

From: Michael Santerre
To: Rychel, Linda
CC: Braidek, Alan
Date: 18/02/2015 3:21 PM
Subject: [REDACTED]
Attachments: [REDACTED]

s.23

Hi Linda,



Michael Santerre

Policy Analyst / Analyste en politiques
Aboriginal Affairs and Northern Development Canada / Affaires autochtones et Développement du Nord Canada
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Pages 2 to / à 48
are withheld pursuant to section
sont retenues en vertu de l'article

23

of the Access to Information Act
de la Loi sur l'accès à l'information

From: Michael Santerre
To: Adkins, Michelle; Green, Kathy; Rychel, Linda
CC: MacDonald, Graham
Date: 29/09/2014 1:00 PM
Subject: TEMPLATE LETTERS REVISION - SEPTEMBER 2014
Attachments: NCR-6912269.DOCX.DRF

The revised SCB template letters.

Michael Santerre

Policy Analyst / Analyste en politiques

Aboriginal Affairs and Northern Development Canada / Affaires autochtones et Développement du Nord Canada

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Notice 1.0 – CLAIM RECEIVED BY AANDC

Chief XXX YYY
First Nation
Address
CITY PR H0H 0H0

Dear Chief YYY:

I am writing to acknowledge receipt of the [CLAIM NAME] specific claim submission from the [FIRST NATION]. The claim submission was received on [DATE CLAIM RECEIVED]. The claim submission will undergo an early review to determine if it meets the Minimum Standard which has been established by the Minister of Aboriginal Affairs and Northern Development pursuant to the *Specific Claims Tribunal Act* and is set out in *The Specific Claims Policy and Process Guide*. A copy of the Minimum Standard is enclosed for your information. The Minimum Standard can also be found at the following webpage <http://www.aadnc-aandc.gc.ca/eng/1100100030303>. Following the early review process you will be informed as to whether the claim submission has been filed with the Minister.

Please be advised, as well, that Government of Canada files are subject to the *Access to Information Act* and the *Privacy Act*.

Sincerely,

Anik Dupont
Director General
Specific Claims Branch
Treaties and Aboriginal Government

c.c.: FIRST NATION LEGAL COUNSEL
Encl. [remove this if there is no enclosure.]

Notice 2.0 – CLAIM FILED

WITHOUT PREJUDICE

Chief XXX YYY
First Nation
Address
CITY PR H0H 0H0

Dear Chief YYY:

I am writing to advise you that the early review of the [CLAIM NAME] specific claim submission, which was received from the [FIRST NATION] on [DATE CLAIM RECEIVED], has been completed. (The submission is identified in the specific claims database as [REVISED CLAIM NAME] to differentiate it from previous submissions.) It has been determined that the claim submission meets the Minimum Standard established by the Minister of Aboriginal Affairs and Northern Development pursuant to the *Specific Claims Tribunal Act* and which is set out in *The Specific Claims Policy and Process Guide*. The claim was filed with the Minister on [DATE CLAIM FILED] and is currently under assessment to determine whether it discloses and outstanding lawful obligation. Once the assessment is completed, you will be notified in writing of the Minister's decision as to whether the claim has been accepted for negotiation.

If the preliminary review has found minor technical issues, please include the following paragraph:

Although the claim submission has met the Minimum Standard, a preliminary review has found minor technical issues with the documentation which may affect the assessment of this claim. The nature of the issues and the information required to address them is described in the attached document. The information required to address the minor technical issues may be sent to Kathy Green, Director, at

Research and Policy
Specific Claims Branch
Aboriginal Affairs and Northern Development Canada
Les Terrasses de la Chaudière

10 Wellington St., Room 1610
GATINEAU QC K1A 0H4

Please be advised that this letter is written on a "without prejudice" basis and should not be considered as an admission of fact or liability by the Crown. In the event this claim is filed with the Specific Claims Tribunal or becomes the subject of active litigation, the government reserves the right to take any position with respect to the claims, including a position different from one taken in the specific claims process. Further, in the litigation context, the government reserves the right to plead all defences available to it including technical defences such as limitation periods, strict rules of evidence or the doctrine of laches. Please be advised, as well, that Government of Canada files are subject to the *Access to Information Act* and the *Privacy Act*.

Sincerely,

Anik Dupont
Director General
Specific Claims Branch
Treaties and Aboriginal Government

c.c.: FIRST NATION LEGAL COUNSEL

Encl. (remove this if there is no enclosure)

CLAIM SUBMISSION NAME
Detailed Explanation

(2 blank lines)

- *Use bullets to indicate technical issues:*

- *Issues are to be grouped;*

- *This is not a prioritized list therefore, numbers will not be used.*

(Blank line between main issues.)

- *Next issue*

Notice 2.1 – NOT FILED – MINIMUM STANDARD NOT MET

WITHOUT PREJUDICE

Chief XXX YYY
First Nation
Address
CITY PR H0H 0H0

Dear Chief YYY:

I am writing to advise you that the early review of the [CLAIM NAME] specific claim submission, which was received from the [FIRST NATION] on [DATE CLAIM RECEIVED], has been completed. It has been determined that the claim submission does not meet the Minimum Standard which was established by the Minister of Aboriginal Affairs and Northern Development pursuant to the *Specific Claims Tribunal Act* and which is set out in *The Specific Claims Policy and Process Guide*. A detailed explanation as to why the claim submission did not meet the Minimum Standard is enclosed.

As the claim submission did not meet the Minimum Standard, it has not been filed with the Minister and will not proceed further in the specific claims process. I am, therefore, returning the claim submission to you. For more information about what is required in a claim submission to meet the Minimum Standard please go to <http://www.aadnc-aandc.gc.ca/eng/1100100030303>. A copy of the Minimum Standard is also enclosed for your reference.

Please be advised that this letter is written on a "without prejudice" basis and should not be considered as an admission of fact or liability by the Crown. In the event this claim is filed with the Specific Claims Tribunal or becomes the subject of active litigation, the government reserves the right to take any position with respect to the claims, including a position different from one taken in the specific claims process. Further, in the

litigation context, the government reserves the right to plead all defences available to it including technical defences such as limitation periods, strict rules of evidence or the doctrine of laches. Please be advised, as well, that Government of Canada files are subject to the *Access to Information Act* and the *Privacy Act*.

Sincerely,

Anik Dupont
Director General
Specific Claims Branch
Treaties and Aboriginal Government

c.c.: FIRST NATION LEGAL COUNSEL

Encl. (remove this if there is no enclosure)

CLAIM SUBMISSION NAME
Minimum Standard Not Met
Detailed Explanation

(2 blank lines)

- *Use bullets to indicate technical issues:*
 - *Issues are to be grouped;*
 - *This is not a prioritized list therefore, numbers will not be used.*

(Blank line between main issues.)

- *Next issue*

Notice 2.2 – NOT FILED/FILED – OUTSIDE POLICY

WITHOUT PREJUDICE

Chief XXX YYY
First Nation
Address
CITY PR H0H 0H0

Dear Chief YYY:

If filed:

I am writing to you with respect to the [CLAIM NAME] specific claim which was received from the [FIRST NATION] and which was filed with the Minister of Aboriginal Affairs and Northern Development on [DATE CLAIM FILED].

If not filed:

I am writing to advise you that the early review of the ([CLAIM NAME]) specific claim submission, which was received from the ([FIRST NATION]) First Nation on [DATE CLAIM RECEIVED], has been completed.

After a careful review, it has been determined that the claim cannot be assessed under the Specific Claims Policy, which is set out in *The Specific Claims Policy and Process Guide*, for the following reasons: [REASONING]. Consequently, your claim will not be assessed further and the file is being returned to you. The *Specific Claims Policy and Process Guide* can be viewed at <http://www.aadnc-aandc.gc.ca/eng/1100100030501> and is enclosed for your reference.

Please be advised that this letter is written on a "without prejudice" basis and should not be considered as an admission of fact or liability by the Crown. In the event this claim is filed with the Specific Claims Tribunal or becomes the subject of active litigation, the government reserves the right to take any position with respect to the claims, including

a position different from one taken in the specific claims process. Further, in the litigation context, the government reserves the right to plead all defences available to it including technical defences such as limitation periods, strict rules of evidence or the doctrine of laches. Please be advised, as well, that Government of Canada files are subject to the *Access to Information Act* and the *Privacy Act*.

Sincerely,

Anik Dupont
Director General
Specific Claims Branch
Treaties and Aboriginal Government

c.c.: FIRST NATION LEGAL COUNSEL

Encl. remove this if there is no enclosure

Notice 3.0 – ADDITIONAL DOCS (SCB)

Chief XXX YYY
First Nation
Address
CITY PR H0H 0H0

Dear Chief YYY:

I am writing to you with respect to the [CLAIM NAME] specific claim which was received from the [FIRST NATION] and which was filed with the Minister of Aboriginal Affairs and Northern Development on [DATE CLAIM FILED].

As the Specific Claims Branch was conducting an assessment of the [CLAIM NAME] specific claim, a number of documents related to the claim were found. A document index and copies of the(se) document(s) are provided to you for your information on the enclosed CD-ROM. These documents are being considered in the assessment of your claim.

Please be advised that Government of Canada files are subject to the *Access to Information Act* and the *Privacy Act*.

Sincerely,

Kathy Green
Director, Research and Policy
Specific Claims Branch

c.c.: FIRST NATION LEGAL COUNSEL

Notice 3.1 – STATUS ENQUIRY

WITHOUT PREJUDICE

Chief XXX YYY
First Nation
Address
CITY PR H0H 0H0

Dear Chief YYY:

I am writing in response to your enquiry about the status of the [CLAIM NAME] specific claim which was received from the [FIRST NATION] and which was filed with the Minister of Aboriginal Affairs and Northern Development on [DATE CLAIM FILED]. This claim is currently in the assessment stage of the specific claims process. Please note that you can monitor the progress of your specific claim through the specific claims process by accessing the Reporting Centre on Specific Claims at the following website address:

<http://www.aadnc-aandc.gc.ca/eng/1100100030294>.

Please be advised that this letter is written on a “without prejudice” basis and should not be considered as an admission of fact or liability by the Crown. In the event this claim is filed with the Specific Claims Tribunal or becomes the subject of active litigation, the government reserves the right to take any position with respect to the claims, including a position different from one taken in the specific claims process. Further, in the litigation context, the government reserves the right to plead all defences available to it including technical defences such as limitation periods, strict rules of evidence or the doctrine of laches. Please be advised, as well, that Government of Canada files are subject to the *Access to Information Act* and the *Privacy Act*.

Sincerely,

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Kathy Green
Director, Research and Policy
Specific Claims Branch

Notice 3.2 – CLAIM WITHDRAWAL

Chief XXX YYY
FIRST NATION
ADDRESS
CITY PR H0H 0H0

Dear Chief YYY:

I am writing in response to your letter dated [DATE], requesting that the [CLAIM NAME] specific claim of [FIRST NATION] be withdrawn from the specific claims process. Please be advised that the Specific Claims Branch, in accordance with this request, has ceased all work on the claim.

Any future review of claims withdrawn from the specific claim process will only be undertaken on the basis of a new claim submission. In accordance with the Minimum Standard, specific claim submissions are sent to:

Ms. Anik Dupont
Director General
Specific Claims Branch
Indian and Northern Affairs Canada
Les Terrasses de la Chaudière
10 Wellington St., Room 1660
OTTAWA ON K1A 0H4

Sincerely,

Kathy Green

Director, Research and Policy
Specific Claims Branch

c.c.: Legal Counsel

Notice 4.0 – CAC RECOMMENDATION DOCUMENTS

Notice 4.0.1 – GENERAL SPECIFIC CLAIM

PROTECTED B
(when completed)

CLAIMS ADVISORY COMMITTEE --- RECOMMENDATION DOCUMENT

TITLE OF CLAIM

FIRST NATION – CLAIM NAME (PROV) (SCBDB is used for all information.)

RECOMMENDATION

Recommend that the claim (not be accepted / be accepted) for negotiation

SUMMARY OF CLAIM

The [FIRST NATION]'s specific claim was submitted to Canada on [DATE CLAIM RECEIVED]. The [FIRST NATION]'s specific claim was filed with the Minister of Aboriginal Affairs and Northern Development Canada on [DATE CLAIM FILED].

The [FIRST NATION]'s allegations are set out in the letter to the First Nation.

SUMMARY OF LEGAL ANALYSIS

A (standard / expedited) legal opinion was provided by the Department of Justice (DOJ), dated [DATE OF LEGAL OPINION], which addresses all of the allegations made by the First Nation. (The claim discloses an outstanding lawful obligation on the part of the Government of Canada under the Specific Claims Policy / The claim does not disclose an outstanding lawful obligation on the part of the Government of Canada under the Specific Claims Policy.) Canada's position is set out in the letter to the First Nation.

DOJ has concluded that the legal liability for (most/ all) of the allegations is (low / balanced / high). *With respect to allegation(s) _____ and _____, it is the opinion of DOJ that the legal liability risk is (low / balanced / high).*

Acceptance only:

COMPENSATION

DOJ recommends that compensation be guided primarily by criterion / criteria: LIST CRITERIA of the Specific Claims Policy. DESCRIBE VALUATION METHODOLOGY
The Valuation and Mandating Unit calculates the value of this claim to be \$DOLLAR

RANGE. This is a preliminary estimate only and does not include negotiation costs. A financial mandate is forthcoming.

ISSUES

- ☐ Outline any outstanding issues that were not resolved during consultation.
- ☐ List any issues that require a decision from CAC.
- ☐ List any impact that the decision may have on other claims.
- ☐ Outline any impact on other departmental sectors.

CONSIDERATION

- ☐ List policy, negotiation or other considerations that may/should influence the decision.

CONSULTATION

The following stakeholders have been consulted:

- ☐ DOJ Legal Counsel (Found on Legal Opinion)
- ☐ Regional Negotiation Manager: Lyle Henderson for At/Prairies/NWT, [NAME] for Ontario, and Québec, James Moxon for BC (*for acceptance of claims only*)
- ☐ Martin Sampson, Manager, Negotiation Business Unit (*for acceptance of claims only*)
- ☐ Guylaine Gaudreau, A/Research Manager
- ☐ Sr. Policy Analysts
- ☐ Regional Representative
- ☐ LMRB (Stephen Kohan and Allan Burnside)
- ☐ CFO (*for acceptance of claims only*)

APPROVED FOR CAC CONSIDERATION BY:

Kathy Green
Director, Research and Policy

Acceptance only:

Michelle Adkins
Director, Negotiations

Date

Date

Author:
Telephone Number:
Date:
CIDM#:

Notice 4.0.2 – TLE SPECIFIC

PROTECTED B

CLAIMS ADVISORY COMMITTEE -- RECOMMENDATION DOCUMENT

TITLE OF CLAIM

FIRST NATION – CLAIM NAME (PROV) (SCBDB is used for all information.)

RECOMMENDATION

Recommend that the claim (not be accepted / be accepted) for negotiation

SUMMARY OF CLAIM

The [FIRST NATION] submitted a TLE Shortfall Claim to Canada on [DATE CLAIM RECEIVED]. The [FIRST NATION]'s specific claim was filed with the Minister of Aboriginal Affairs and Northern Development Canada on [DATE CLAIM FILED].

The [FIRST NATION]'s allegations are set out in the letter to the First Nation.

Crystallization of Canada's Obligation

It is Canada's position that the Date of First Survey (DOFS) generally represents the date upon which Canada's obligation to provide land pursuant to [TREATY] is crystallized. With respect to Treaty 9, the Date of Treaty Schedule (DOTS) is used.

[ADDITIONAL DETAILS IF REQUIRED]

Historical Background – Fort Hope Band

[BRIEF HISTORICAL BACKGROUND]

Creditable Acreage Received

[TREATY] provides for a land entitlement of [# OF ACRES] per [ACRES PER PERSON OR PER FAMILY].

TLE Eligible Population and Land Entitlement – Historic Fort Hope Band

The following table summarizes Canada's assessment of the [FIRST NATION] TLE Shortfall Claim. The [RESERVE NAME], set aside for the historic [FIRST NATION], was confirmed as having received [ACTUAL LAND]. This land was sufficient for [#] individuals. Based on an adjusted DOFS population of the [FIRST NATION] of [#] people, the [FIRST NATION] has a shortfall of [SHORTFALL LAND].

Eligible 1911 DOFS Population	[DOFS POPULATON #]
Eligible Late Additions to the DOFS Population	[LATE ADDITIONS #]
Total Eligible Adjusted Population	[ADJUSTED POPULATION]
Land Entitlement (536 persons x 128 acres)	[LAND ENTITLEMENT]
Land Received	[LAND RECEIVED]
Shortfall	[TOTAL SHORTFALL]

[TLE conclusion].

Canada's position is set out in the letter to the First Nation.

Acceptance only:

COMPENSATION

As with all TLE claims, compensation will be guided by Criterion 1.

ISSUES

- ☐ Outline any outstanding issues that were not resolved during consultation.
- ☐ List any issues that require a decision from CAC.
- ☐ List any impact that the decision may have on other claims.
- ☐ Outline any impact on other departmental sectors.
- ☐ Include any issues that require legal analysis

CONSIDERATION

- ☐ List policy, negotiation or other considerations that may/should influence the decision.

CONSULTATION

The following stakeholders have been consulted:

- ☐ DOJ Legal Counsel (Found on Legal Opinion)
- ☐ Regional Negotiation Manager: Lyle Henderson for At/Prairies/NWT, [NAME] for Ontario, and Québec, James Moxon for BC (*for acceptance of claims only*)
- ☐ Martin Sampson, Manager, Negotiation Business Unit (*for acceptance of claims only*)
- ☐ Guylaine Gaudreau, A/Research Manager
- ☐ Sr. Policy Analysts
- ☐ Regional Representative

- ☐ LMRB (Stephen Kohan and Allan Burnside)
- ☐ CFO (*for acceptance of claims only*)

APPROVED FOR CAC CONSIDERATION BY:

Acceptance only:

Kathy Green
Director, Research and Policy

Michelle Adkins
Director, Negotiations

Date

Date

Author:
Telephone Number:
Date:
CIDM#:

Notice 4.1 - ACCEPTANCE/NON ACCEPTANCE MODEL

Chief XXX YYY
FIRST NATION
ADDRESS
CITY PR H0H 0H0

Dear Chief YYY:

I am writing to inform you that the assessment of the [FILE CLAIM NAME] (specific claim / Treaty Land Entitlement claim), which was received from the [FIRST NATION] and filed with the Minister of Aboriginal Affairs and Northern Development Canada on [DATE CLAIM FILED], has been completed.

It is the decision of the Minister to (accept/not accept) the (FILE CLAIM NAME) for negotiation. Further correspondence outlining the details of Canada's position on this claim will be sent to you in a letter from Ms. Anik Dupont, Director General, Specific Claims Branch.

Sincerely,

Joe Wild
Senior Assistant Deputy Minister
Treaties and Aboriginal Government

cc: FIRST NATION'S LEGAL COUNSEL

Encl.

Notice 4.2 - NON-ACCEPTANCE MODEL

WITHOUT PREJUDICE

Chief XXX YYY
FIRST NATION
ADDRESS
CITY PR H0H 0H0

Dear Chief YYY:

I am writing further to a letter from [NAME], Senior Assistant Deputy Minister, Treaties and Aboriginal Government, dated [DATE ON LETTER], in which you were notified of the decision of the Minister of Aboriginal Affairs and Northern Development not to accept the [FILED CLAIM NAME] specific claim for negotiation. It is Canada's position that there is no outstanding lawful obligation on the part of the Government of Canada.

The FIRST NATION NAME First Nation alleges that:

1. (BULLET: NUMBER FIRST NATION'S ALLEGATIONS.)

It is Canada's position that Canada did not breach any obligations owed to the [FIRST NATION] in respect of the allegations raised in the claim for the reasons set out below.

1. (REASONS TO BE DEVELOPED USING LEGAL OPINION, ANNEX B)
2. (CORRESPONDING NUMBERS TO FIRST NATION'S ALLEGATIONS.)

Please be advised that this letter is written on a "without prejudice" basis and should not be considered as an admission of fact or liability by the Crown. In the event this claim is filed with the Specific Claims Tribunal or becomes the subject of active litigation, the government reserves the right to take any position with respect to the claims, including

a position different from one taken in the specific claims process. Further, in the litigation context, the government reserves the right to plead all defences available to it including technical defences such as limitation periods, strict rules of evidence or the doctrine of laches. Please be advised, as well, that Government of Canada files are subject to the *Access to Information Act* and the *Privacy Act*.

Sincerely,

Anik Dupont
Director General
Specific Claims Branch
Treaties and Aboriginal Government

c.c.: FIRST NATION'S LEGAL COUNSEL

Notice 4.3 - NON-COMPENSABLE MODEL

WITHOUT PREJUDICE

Chief XXX YYY
FIRST NATION
ADDRESS
CITY PR H0H 0H0

Dear Chief YYY:

I am writing further to a letter from [NAME], Senior Assistant Deputy Minister, Treaties and Aboriginal Government, dated [DATE ON LETTER], in which you were notified of the decision of the Minister of Aboriginal Affairs and Northern Development not to accept the [FILED CLAIM NAME] specific claim for negotiation. It is Canada's position that even if a breach of a lawful obligation as alleged in the [FILE CLAIM NAME] specific claim exists, there is no compensable loss nor has the First Nation suffered damages resulting from the breach.

The FIRST NATION NAME First Nation alleges that:

1. (BULLET: NUMBER FIRST NATION'S ALLEGATIONS.)

It is Canada's position that even if the above allegations disclose a breach of lawful obligation no compensable loss or damages arises from the breach because:

- (PROVIDE REASONS)

Please be advised that this letter is written on a "without prejudice" basis and should not be considered as an admission of fact or liability by the Crown. In the event this claim is filed with the Specific Claims Tribunal or becomes the subject of active litigation, the government reserves the right to take any position with respect to the claims, including

a position different from one taken in the specific claims process. Further, in the litigation context, the government reserves the right to plead all defences available to it including technical defences such as limitation periods, strict rules of evidence or the doctrine of laches. Please be advised, as well, that Government of Canada files are subject to the *Access to Information Act* and the *Privacy Act*.

Sincerely,

Anik Dupont
Director General
Specific Claims Branch
Treaties and Aboriginal Government

c.c.: FIRST NATION'S LEGAL COUNSEL

Notice 4.4 – NON-ACCEPTANCE – TLE CLAIM

WITHOUT PREJUDICE

Chief XXX YYY
FIRST NATION
ADDRESS
CITY PR H0H 0H0

Dear Chief YYY:

I am writing further to a letter from [NAME], Senior Assistant Deputy Minister, Treaties and Aboriginal Government, dated [DATE ON LETTER], in which you were notified of the decision of the Minister of Aboriginal Affairs and Northern Development not to accept the [FILED CLAIM NAME] Treaty land Entitlement (TLE) Shortfall specific claim for negotiation. It is Canada's position that there is no outstanding lawful obligation on the part of the Government of Canada.

In the [FIRST NATION] TLE Shortfall Claim, dated [DATE], the First Nation alleges that insufficient land was set aside as reserve land for it pursuant to the provisions of [TREATY].

It is Canada's position that Canada did not breach any obligations owed to the [FIRST NATION NAME] in respect of the allegations raised in the claim for the reasons set out below.

[REASONING IN POINT FORM]

Please be advised that this letter is written on a "without prejudice" basis and should not be considered as an admission of fact or liability by the Crown. In the event this claim is filed with the Specific Claims Tribunal or becomes the subject of active litigation, the government reserves the right to take any position with respect to the claims, including a position different from one taken in the specific claims process. Further, in the litigation context, the government reserves the right to plead all defences available to it including technical defences such as limitation periods, strict rules of evidence or the

doctrine of laches. Please be advised, as well, that Government of Canada files are subject to the *Access to Information Act* and the *Privacy Act*.

Sincerely,

Anik Dupont
Director General
Specific Claims Branch
Treaties and Aboriginal Government

c.c.: FIRST NATION'S LEGAL COUNSEL

Notice 4.5 – ACCEPTANCE - CLAIM “UNDER \$3M” MODEL

WITHOUT PREJUDICE

Chief XXX YYY
FIRST NATION
ADDRESS
CITY PR H0H 0H0

Dear Chief YYY:

I am writing further to a letter from [NAME], Senior Assistant Deputy Minister, Treaties and Aboriginal Government, dated [DATE ON LETTER], in which you were notified of the decision of the Minister of Aboriginal Affairs and Northern Development to accept the [FILED CLAIM NAME] specific claim for negotiation. This letter sets out Canada's position on the [FILED CLAIM NAME] specific claim and explains the next steps in the specific claims process.

The [FIRST NATION] alleges that:

2. (BULLET: NUMBER FIRST NATION'S ALLEGATIONS.)

It is Canada's position, for negotiation purposes, that the [FIRST NATION]'s claim discloses an outstanding lawful obligation under the Specific Claims Policy for the reason(s) set out below.

In response to allegation X, (CORRESPONDING NUMBERS TO FIRST NATION'S ALLEGATIONS.)

It is Canada's position that Canada did not breach any obligations owed to the [FIRST NATION] in respect of the other allegations raised in the claim for the reasons set out below.

In response to allegation X, (CORRESPONDING NUMBERS TO FIRST NATION'S ALLEGATIONS.)

Consideration of compensation will be guided by the compensation criterion / criteria of the Policy which are excerpted and enclosed (see Annex), particularly (LIST KEY CRITERIA THAT APPLY AND PROVIDE EXCERPT OF COMPENSATION CRITERIA AS AN ATTACHEMENT TO THE LETTER.)

As part of any final settlement of this specific claim, Canada will require that the [FIRST NATION] release Canada from any and all liability in respect of the entire specific claim concerning [CLAIM NAME IN DATABASE] and indemnify Canada against any claim or demand with respect to the specific claim. Canada will also require a Solicitor's Certificate that states the [FIRST NATION] was provided legal advice with respect to the claim, including its negotiation and settlement.

Canada is undertaking the settlement of all specific claims based on a three-year operational framework which time period begins on the date of this notice. Please be advised that Canada's analysis of this claim suggests that it could be resolved in an expedited negotiation process.

I believe that it is in our respective interests to settle quickly and efficiently so that a fair agreement can be reached at reasonable cost. NAME OF MANAGER, Manager, TEAM NAME Team, Negotiation Directorate, will contact you shortly to answer any questions you may have and to discuss a settlement proposal. Should you wish to contact Mr. / Ms. LAST NAME OF MANAGER directly, s/he can be reached at: (XXX) XXX-XXX.

Please be further advised that this settlement process is undertaken on a confidential, privileged and without prejudice basis.

To support First Nation claimants' participation in the negotiation process, loan funding may be made available under the Native Claimants Loan Program, and will be assessed on a case-by-case basis. (DELETE THIS PARAGRAPH EXCEPT FOR CLAIMS WHERE A SETTLEMENT WILL INCLUDE LAND RELATED ISSUES LIKE A REGULARIZATION OR A SURRENDER.)

Please be advised that this letter is written on a "without prejudice" basis and should not be considered as an admission of fact or liability by the Crown. In the event this claim is filed with the Specific Claims Tribunal or becomes the subject of active litigation, the government reserves the right to take any position with respect to the claims, including a position different from one taken in the specific claims process. Further, in the litigation context, the government reserves the right to plead all defences available to it including technical defences such as limitation periods, strict rules of evidence or the doctrine of laches. Please be advised, as well, that Government of Canada files are subject to the *Access to Information Act* and the *Privacy Act*.

I send my best wishes and look forward to a settlement of this claim that is fair and acceptable to both the [FIRST NATION] and Canada.

Sincerely,

Anik Dupont
Director General
Specific Claims Branch
Treaties and Aboriginal Government

c.c.: FIRST NATION LEGAL COUNSEL

Encl.

ANNEX MUST ALSO BE INCLUDED

Notice 4.6 – ACCEPTANCE - CLAIM “OVER \$3M” MODEL

WITHOUT PREJUDICE

Chief XXX YYY
FIRST NATION
ADDRESS
CITY PR H0H 0H0

Dear Chief YYY:

I am writing further to a letter from [NAME], Senior Assistant Deputy Minister, Treaties and Aboriginal Government, dated [DATE ON LETTER], in which you were notified of the decision of the Minister of Aboriginal Affairs and Northern Development to accept the (FILED CLAIM NAME) specific claim for negotiation. This letter sets out Canada's position on the (FILED CLAIM NAME) specific claim and explains the next steps in the specific claims process.

The [FIRST NATION] alleges that:

3. (BULLET: NUMBER FIRST NATION'S ALLEGATIONS.)

It is Canada's position, for negotiation purposes, that the [FIRST NATION]'s claim discloses an outstanding lawful obligation under the Specific Claims Policy for the reason(s) set out below.

In response to allegation X, (CORRESPONDING NUMBERS TO FIRST NATION'S ALLEGATIONS.)

It is Canada's position that Canada did not breach any obligations owed to the [FIRST NATION] in respect of the other allegations raised in the claim for the reasons set out below.

In response to allegation X, (CORRESPONDING NUMBERS TO FIRST NATION'S ALLEGATIONS.)

Consideration of compensation will be guided by the compensation criterion / criteria of the Policy which are excerpted and enclosed (see Annex), particularly (LIST KEY CRITERIA THAT APPLY AND PROVIDE EXCERPT OF COMPENSATION CRITERIA AS AN ATTACHEMENT TO THE LETTER.)

As part of any final settlement of this specific claim, Canada will require that the [FIRST NATION] release Canada from any and all liability in respect of the entire specific claim concerning [CLAIM NAME IN DATABASE] and indemnify Canada against any claim or demand with respect to the specific claim. Canada will also require a Solicitor's Certificate that states the [FIRST NATION] was provided legal advice with respect to the claim, including its negotiation and settlement.

Prior to taking any further steps with respect to the negotiation of your specific claim, Canada will require a Band Council Resolution (BCR) from the [FIRST NATION]. The BCR must:

- confirm that the [FIRST NATION] agrees to negotiate the claim;
- confirm and accept the basis for the acceptance of this claim for negotiation as set out in this letter;
- confirm the application of the compensation criteria of the Policy as set out above;
- acknowledge and accept that the negotiation will be conducted pursuant to the Policy, including the \$150 million limit per claim settlement; and
- acknowledge and accept that a full release on all aspects of the claim as submitted will be provided as part of the final settlement agreement.

Canada is undertaking the settlement of all specific claims based on a three-year operational framework which time period begins on the date of this notice. Receipt of the BCR as soon as possible will facilitate the timely resolution of your specific claim. Please be advised that Canada's analysis of this claim suggests that it could be resolved in an expedited negotiation process.

I believe that it is in our respective interests to settle quickly and efficiently so that a fair agreement can be reached at reasonable cost. NAME OF MANAGER, Manager, TEAM NAME Team, Negotiation Directorate, will contact you shortly to answer any questions you may have and to discuss a settlement proposal. Should you wish to contact Mr. / Ms. LAST NAME OF MANAGER directly, s/he can be reached at: (XXX) XXX-XXX.

Please be further advised that this settlement process is undertaken on a confidential, privileged and without prejudice basis.

To support First Nation claimants' the participation in the negotiation process, loan funding may be made available under the Native Claimants Loan Program, and will be assessed on a case-by-case basis.

Please be advised that this letter is written on a "without prejudice" basis and should not be considered as an admission of fact or liability by the Crown. In the event this claim is

filed with the Specific Claims Tribunal or becomes the subject of active litigation, the government reserves the right to take any position with respect to the claims, including a position different from one taken in the specific claims process. Further, in the litigation context, the government reserves the right to plead all defences available to it including technical defences such as limitation periods, strict rules of evidence or the doctrine of laches. Please be advised, as well, that Government of Canada files are subject to the *Access to Information Act* and the *Privacy Act*.

I send my best wishes and look forward to a settlement of this claim that is fair and acceptable to both the [FIRST NATION] and Canada.

Sincerely,

Anik Dupont
Director General
Specific Claims Branch
Treaties and Aboriginal Government

c.c.: FIRST NATION LEGAL COUNSEL

Encl.

ANNEX MUST ALSO BE INCLUDED

Notice 4.7 – ACCEPTANCE – TLE CLAIM

WITHOUT PREJUDICE

Chief XXX YYY
FIRST NATION
ADDRESS
CITY PR H0H 0H0

Dear Chief YYY:

I am writing further to a letter from [NAME], Senior Assistant Deputy Minister, Treaties and Aboriginal Government, dated [DATE ON LETTER], in which you were notified of the decision of the Minister of Aboriginal Affairs and Northern Development to accept the [FILED CLAIM NAME] Treaty land Entitlement (TLE) Shortfall specific claim for negotiation. This letter sets out Canada's position on the [FILED CLAIM NAME] TLE Shortfall specific claim and explains the next steps in the specific claims process.

In the [FIRST NATION] TLE Shortfall Claim submission, dated [DATE], the First Nation alleges that insufficient land was set aside as reserve land for it pursuant to the provisions of [TREATY].

It is Canada's position, for negotiation purposes, that the [FIRST NATION]'s claim discloses an outstanding lawful obligation under the Specific Claims Policy for the reason(s) set out below.

[REASONING IN POINT FORM]

Consideration of compensation will be guided by the compensation criterion / criteria of the Policy which are excerpted and enclosed (see Annex), particularly (LIST KEY CRITERIA THAT APPLY AND PROVIDE EXCERPT OF COMPENSATION CRITERIA AS AN ATTACHEMENT TO THE LETTER.) It should be noted that the negotiation of loss of use is subject to the First Nation establishing that it has, in fact, suffered a loss. If the First Nation wishes to have loss of use considered in the calculation of compensation, evidence supporting such loss would be usefully considered early in the negotiation process.

As part of any final settlement of this specific claim, Canada will require that the [FIRST NATION] release Canada from any and all liability in respect of the entire TLE Shortfall specific claim and indemnify Canada against any claim or demand with respect to the specific claim. Canada will also require a Solicitor's Certificate that states the [FIRST NATION] was provided legal advice with respect to the claim, including its negotiation and settlement.

Prior to taking any further steps with respect to the negotiation of your specific claim, Canada will require a Band Council Resolution (BCR) from the [FIRST NATION] The BCR must:

- confirm that the [FIRST NATION] agrees to negotiate the claim;
- confirm and accept the basis for the acceptance of this claim for negotiation as set out in this letter;
- confirm the application of the compensation criteria of the Policy as set out above;
- acknowledge and accept that the negotiation will be conducted pursuant to the Policy, including the \$150 million limit per claim settlement; and
- acknowledge and accept that a full release on all aspects of the claim as submitted will be provided as part of the final settlement agreement.

Canada is undertaking the settlement of all specific claims based on a three-year operational framework which time period begins on the date of this notice. Receipt of the BCR as soon as possible will facilitate the timely resolution of your specific claim. Please be advised that Canada's analysis of this claim suggests that it could be resolved in an expedited negotiation process.

I believe that it is in our respective interests to settle quickly and efficiently so that a fair agreement can be reached at reasonable cost. NAME OF MANAGER, Manager, TEAM NAME Team, Negotiation Directorate, will contact you shortly to answer any questions you may have and to discuss a settlement proposal. Should you wish to contact Mr. / Ms. LAST NAME OF MANAGER directly, s/he can be reached at: (XXX) XXX-XXX.

Please be further advised that this settlement process is undertaken on a confidential, privileged and without prejudice basis.

To support First Nation claimants' the participation in the negotiation process, loan funding may be made available under the Native Claimants Loan Program, and will be assessed on a case-by-case basis.

Please be advised that this letter is written on a "without prejudice" basis and should not be considered as an admission of fact or liability by the Crown. In the event this claim is filed with the Specific Claims Tribunal or becomes the subject of active litigation, the government reserves the right to take any position with respect to the claims, including a position different from one taken in the specific claims process. Further, in the litigation context, the government reserves the right to plead all defences available to it

including technical defences such as limitation periods, strict rules of evidence or the doctrine of laches. Please be advised, as well, that Government of Canada files are subject to the *Access to Information Act* and the *Privacy Act*.

I send my best wishes and look forward to a settlement of this claim that is fair and acceptable to both the [FIRST NATION] and Canada.

Sincerely,

Anik Dupont
Director General
Specific Claims Branch
Treaties and Aboriginal Government

c.c.: FIRST NATION LEGAL COUNSEL

Encl.

ANNEX MUST ALSO BE INCLUDED

Notice 5.0 – LITIGATION OVERLAP

WITHOUT PREJUDICE

Chief XXX YYY
FIRST NATION
ADDRESS
CITY PR H0H 0H0

Dear Chief YYY:

I am writing to you regarding the (CLAIM NAME(S)) specific claim(s) of the (FIRST NATION),

If filed, add:

which was (were) filed with the Minister of Aboriginal Affairs and Northern Development on (DATE(S) OF FILING).

The specific claims process as set out in *The Specific Claims Policy and Process Guide* is intended as an alternative to litigation. As the (FIRST NATION) is a party in (NAME OF ACTION,) (COURT NAME,) (file # XXX), which action is not in abeyance and concerns the same, or substantially the same, subject matter as the (CLAIM NAME(S)) specific claim, this specific claim will not proceed further in the specific claims process. The file will be shown as "File Closed" on the Reporting Centre on Specific Claims website at the following address:

<http://www.aadnc-aandc.gc.ca/eng/1100100030294>.

Any future review of this claim will only be undertaken if the above-noted litigation is discontinued or placed in abeyance.

Sincerely,

Anik Dupont

Director General
Specific Claims Branch
Treaties and Aboriginal Government

c.c.: LEGAL COUNSEL

October 30, 2012

Protected/ Solicitor-Client Privilege

s.23



Pages 90 to / à 99
are withheld pursuant to section
sont retenues en vertu de l'article

23

of the Access to Information Act
de la Loi sur l'accès à l'information

From: Kathy Green
To: Linda Rychel
Date: 24/04/2013 2:31 PM
Subject: Fwd: Expedited and Standard Claim/Legal Opinion Guidelines
Attachments: Expedited and Standard Claim - Legal Opinion Guidelines - Letter to DOJ_1.pdf; NCR-#2961060-v14-EXPEDITED_LEGAL_OPINION_MEETING_NOTES_APRIL_8_2010_2.DOC; 8512478_001_FR_NCR-2961060-v14-EXPEDITED_LEGAL_OPINION_MEETING_NOTES_APRIL_8_2010_1.DOC

FYI

Anik Dupont 4/24/2013 2:23 PM >>>

Bonjour à tous,

Vous trouverez ci-joint un document intitulé « Lignes directrices sur les avis juridiques accélérés et normaux liés aux revendications ». L'objectif de ce document est de vous aider à déterminer les circonstances où il faut demander et fournir un avis juridique accéléré ou normal durant le processus d'évaluation des revendications particulières.

Merci,

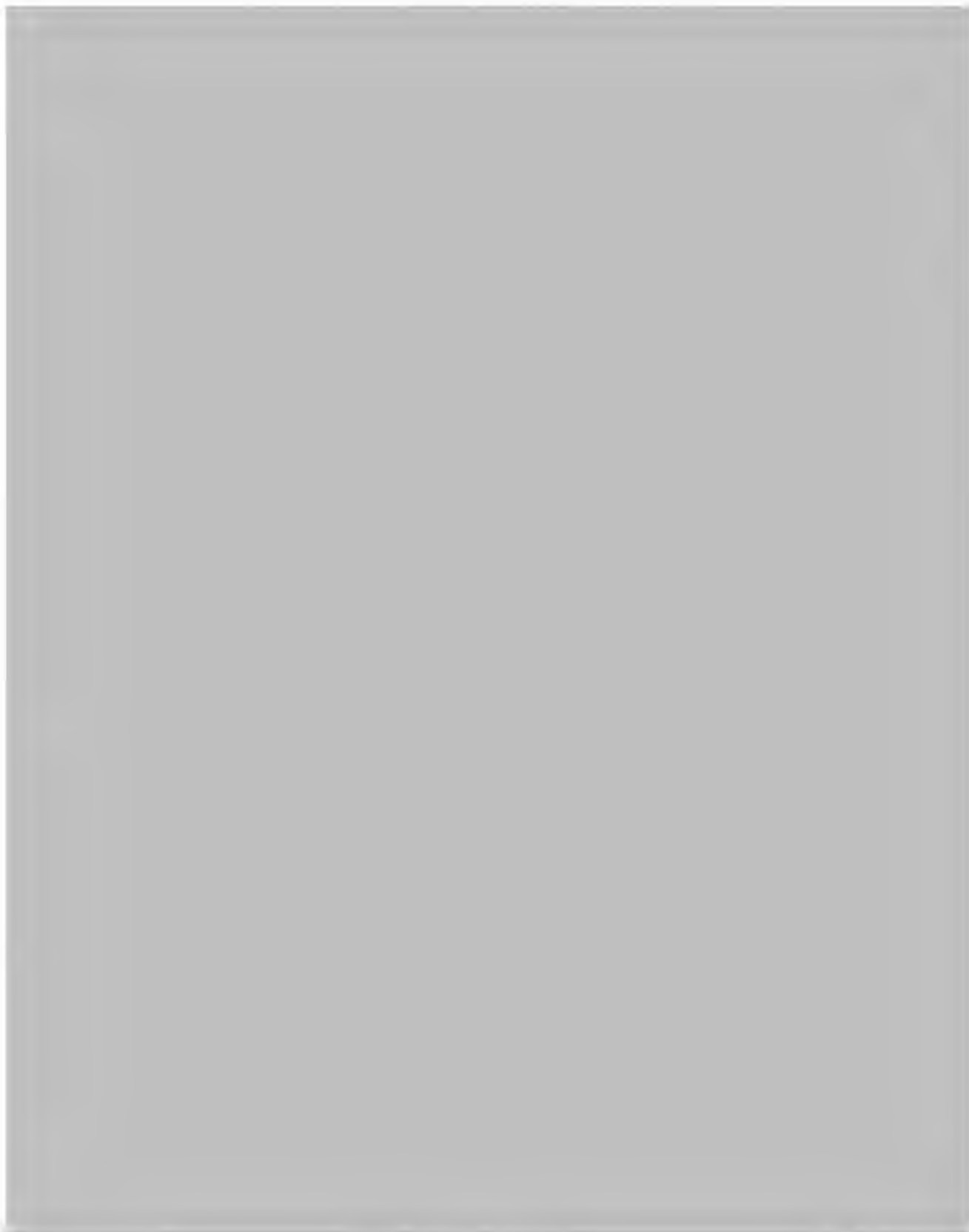
Good afternoon everyone:

Please find attached the document entitled "Expedited and Standard Claim ? Legal Opinion Guidelines". This document is intended to assist in identifying the circumstances in which expedited and standard legal opinions are to be requested and provided in the course of assessing specific claims.

Anik Dupont
Directrice générale
Direction générale des Revendications particulières - TGA
Director General
Specific Claims Branch - TAG
819-994-2323
anik.dupont@aadnc-aandc.gc.ca

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This message will be saved in CIDM

Expedited and Standard Claim/Legal Opinion Guidelines



s.23

Page 102

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est retenue en vertu de l'article**

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**of the Access to Information Act
de la Loi sur l'accès à l'information**



Affaires autochtones et
Développement du Nord Canada

Aboriginal Affairs and
Northern Development Canada

OCT 12 2012

Votre référence - Your file

Notre référence - Our file

Mr. Ronald Burnett
General Counsel
AANDC - Specific Claims (LSU)
10 - 10 Wellington Street
GATINEAU QC K1A 0H4

Dear Mr. Burnett:

As you know, our respective teams have worked together to develop Expedited and Standard Claim / Legal Opinion Guidelines to assist in identifying the circumstances in which expedited and standard legal opinions will be requested and provided.

Please extend my gratitude to your team members for their assistance in developing these Guidelines and for their ongoing support. With your concurrence, I will have the Guidelines, as enclosed, translated and issued for use in the Specific Claims Branch.

Sincerely,

Anik Dupont
Director General
Specific Claims Branch
Treaties and Aboriginal Government

Encl.

I concur

Ron Burnett
General Counsel
AANDC - Specific Claims (LSU)

Oct. 12/12
Date

Canada

b.c.c. Kathy Green Director, Research and Policy SCB

Originator: Carly Saunders
Telephone No.: 819-953-9464
Date: April 5, 2012
PA / TAG3344
NCR CIDM: 4253735

ADDRESS:

0-0

ADDRESSED TO - ADRESSÉE AU

CS-Cims/CS-Cims
CIDM 4253735&2961060TAG 3344

<input type="checkbox"/> Minister Ministre	<input type="checkbox"/> Parliamentary Secretary Secrétaire parlementaire	<input type="checkbox"/> Deputy Minister Sous-ministre	<input type="checkbox"/> Associate Deputy Minister Sous-ministre délégué(e)	<input type="checkbox"/> ADM / ED SMA / DE
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PURPOSE BUT

<input checked="" type="checkbox"/> For / pour signature	<input type="checkbox"/> For / pour information	<input type="checkbox"/> For Decision / Approval Pour Décision / Approbation	<input type="checkbox"/> For Meetings/Trips Pour réunions/voyages
--	---	---	--

SECTOR - SECTEURS

Originator(s) - Auteurs: Andrew Webster:	Tel. No. - No. de tél.: 819-953-2462	Signature : Andrew: <i>[Signature]</i>	Date : Andrew: 30 Oct 12
---	---	---	-----------------------------

SUBJECT - OBJET (State the issue of the briefing note/ Indiquer le sujet de la note de breffage)

Expedited and Standard Claim / Legal Opinion Guidelines

PRIORITY - PRIORITÉ (If urgent, state reason / deadline - En cas d'urgence, donner une raison / une date d'échéance)

IMPORTANT INFORMATION: If consultations with another Sector/Region took place, check off the appropriate box below.
INFORMATION IMPORTANTE: Si des consultations ont eu lieu avec un autre Secteur/Région, cocher la boîte appropriée ci-dessous.

PSD POS	CFO DPF	LED TAI	<input checked="" type="checkbox"/> TAG TGA	RO OR	NAO OAN	A&E / V&E	IRS / SRI	RIA RAI
<input checked="" type="checkbox"/> LSU / SJM	HR / RH	COMMS	OFI / BIF	OCS/BSM	ESDPP PPMEDS	External Externe	Alberta	Atlantic Atlantique
British Columbia Colombie Britannique	Indian Oil & Gas Pétrole et Gaz Canada	Manitoba	Northwest Territories Territoires du Nord-Ouest	Nunavut	Ontario	Quebec Québec	Saskatchewan	Yukon

APPROVAL - APPROBATION

A/Manager - Gestionnaire par intérim Guylaine Gaudreau	Signature	Date
Director - Directrice Kathy Green	Signature <i>[Signature]</i>	Date Oct 5/12.
Director General /RDG - DG/DGR Anik Dupont	Signature	Date OCT 12 2012
General Counsel Ronald Burnett	Signature <i>[Signature]</i>	Date Oct 12/12

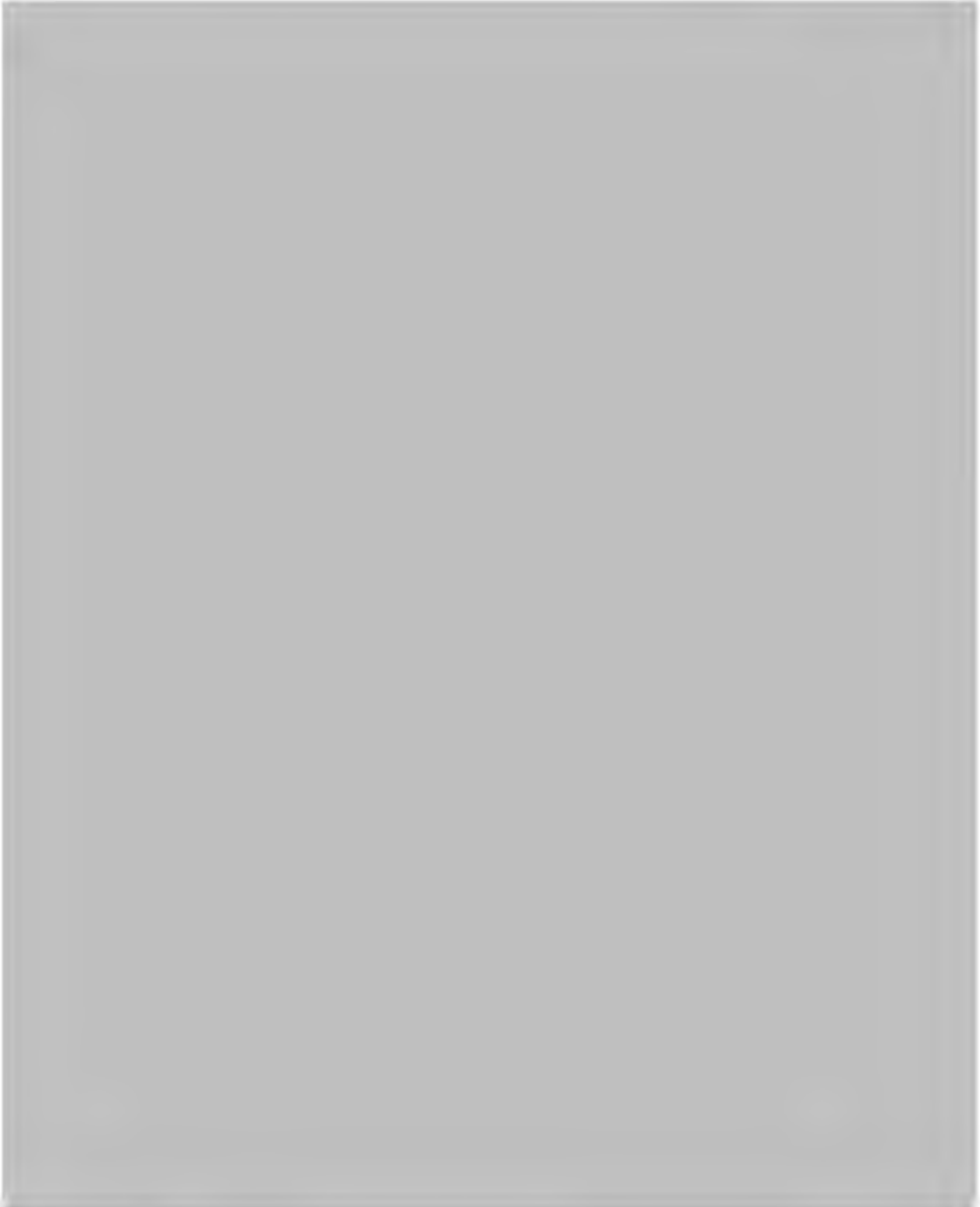
SPECIAL MAILING INSTRUCTIONS / INSTRUCTIONS SPÉCIALES D'ENVOI

IMPORTANT INFORMATION:

If the briefing material indicates that there have been consultations, it is mandatory to indicate this on the routing slip.

INFORMATION IMPORTANTE: Si les notes de breffages indiquent qu'il y a eu des consultations, il est obligatoire de cocher cette information sur la fiche d'acheminement.

Lignes directrices sur les avis juridiques accélérés et normaux liés aux revendications



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**of the Access to Information Act
de la Loi sur l'accès à l'information**

From: Kathy Green
To: Linda Rychel
Date: 24/04/2013 4:34 PM
Subject: Re: Fwd: Expedited and Standard Claim/Legal Opinion Guidelines

Hi Linda:

Yes. The email went to SCB Ottawa and SCB Vancouver.

Hope this is helpful.

Kathy

>>> Linda Rychel 4/24/2013 4:05 PM >>>

Thanks Kathy. Did Anik circulate to the entire SCB? I just want to understand who "tous/everyone" is.

Linda

>>> Kathy Green 4/24/2013 2:31 PM >>>
FYI

Anik Dupont 4/24/2013 2:23 PM >>>

Bonjour à tous,

Vous trouverez ci-joint un document intitulé « Lignes directrices sur les avis juridiques accélérés et normaux liés aux revendications ». L'objectif de ce document est de vous aider à déterminer les circonstances où il faut demander et fournir un avis juridique accéléré ou normal durant le processus d'évaluation des revendications particulières.

Merci,

Good afternoon everyone:

Please find attached the document entitled Expedited and Standard Claim ? Legal Opinion Guidelines. This document is intended to assist in identifying the circumstances in which expedited and standard legal opinions are to be requested and provided in the course of assessing specific claims.

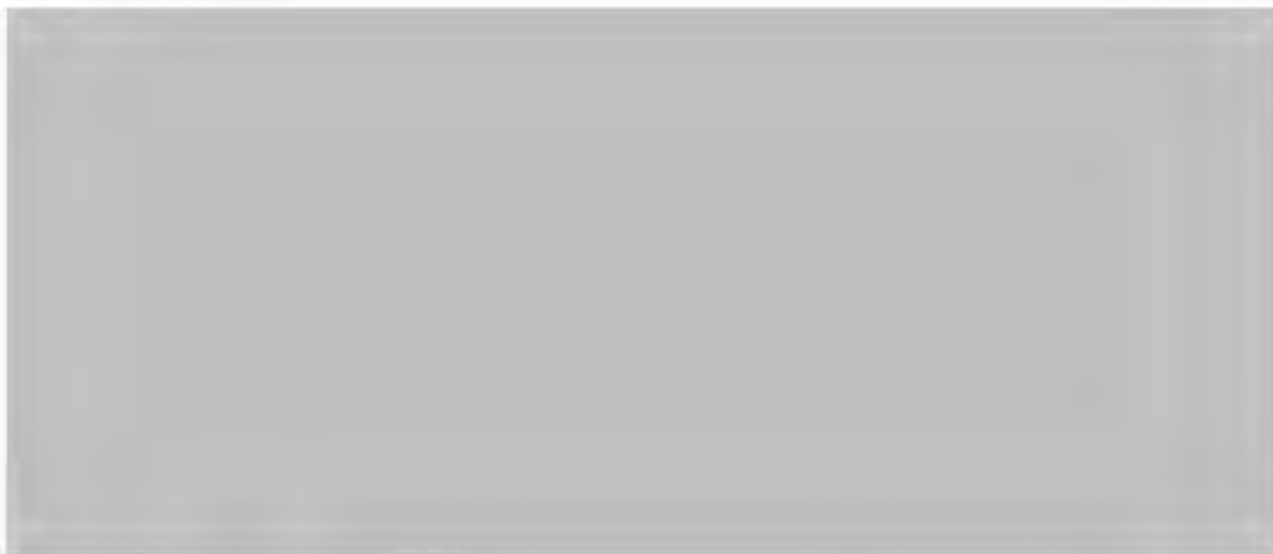
Anik Dupont
Directrice générale
Direction générale des Revendications particulières - TGA
Director General
Specific Claims Branch - TAG
819-994-2323
anik.dupont@aadnc-aandc.gc.ca

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This message will be saved in CIDM

From: Linda Rychel
To: Townson, Janet
CC: Moore, Marcia; Robinson, Perry; Rossol, Joy; Smith, Lynn; Winogron, ...
Date: 30/10/2012 11:08 AM
Subject: [REDACTED]
Attachments: [REDACTED]

s.23

Janet,



Thanks and have a good day,

Linda

Linda Rychel
Senior Counsel / Avocate-conseil
Department of Justice Canada / Ministère de la Justice Canada
Legal Services - AANDC / Services juridiques - AADNC
10th floor, 10 Wellington Street / 10ième étage, 10, rue Wellington
Gatineau (QC)
Postal Address / Adresse postale: Ottawa (ON) K1A 0H4
tel. / tél.: 819-997-8230
fax / téléc.: 819-994-4641
linda.rychel@aadnc-aandc.gc.ca
Government of Canada / Gouvernement du Canada

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Pages 111 to / à 244
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From: Linda Rychel
To: Moore, Marcia
Date: 30/10/2012 11:15 AM
Subject: Fwd: Re: Template Question
Attachments: Re: [REDACTED]

s.23

Thanks

From: Janet Townson
To: Linda Rychel
Date: 12/10/2012 1:48 PM
Subject: Re: [REDACTED]

[REDACTED]

Hope this is helpful!

Janet

>>> Linda Rychel 10/12/2012 1:45 PM >>>
Janet,

[REDACTED]

Thanks,

Linda

>>> Janet Townson 9/10/2012 11:22 AM >>>
Good Morning Everyone...

I know this is a little late.

[REDACTED]

If you have any questions, please contact me.

Janet

s.23

From: Linda Rychel
To: Robinson, Perry; Winogron, Robert
CC: Moore, Marcia; Rossol, Joy; Smith, Lynn
Date: 15/10/2012 3:37 PM
Subject: Re: Fwd: [REDACTED]
Attachments: [REDACTED]

s.23

Perry and Bob,

[REDACTED]

I am going to be away on Friday and I have various things to do this week, but I will ask Marcia to try and find a time for us to sit down and talk. If you think this week is not going to be possible for you, let me know.

Linda

P.S. [REDACTED]

>>> Linda Rychel 9/11/2012 3:56 PM >>>
Bob,

[REDACTED]

s.23

[REDACTED]

Linda

>>> Janet Townson 9/11/2012 2:16 PM >>>
Linda and Perry...


[REDACTED]

Janet

Pages 249 to / à 256
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de la Loi sur l'accès à l'information

From: Linda Rychel
To: Winogron, Robert
CC: Moore, Marcia; Robinson, Perry; Rossol, Joy; Smith, Lynn
Date: 11/09/2012 3:56 PM
Subject: Fwd:
Attachments: 

s.23

Bob,



Linda

>>> Janet Townson 9/11/2012 2:16 PM >>>
Linda and Perry...

s.23

Janet

**Pages 259 to / à 336
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From: Linda Rychel
To: Townson, Janet; Webster, Andrew
CC: Moore, Marcia
Date: 22/08/2012 3:59 PM
Subject: [REDACTED]

s.23

Attachments: [REDACTED]

Hi,

Just so you know, I am on training August 27 - 29.

Linda

Linda Rychel
Senior Counsel / Avocate-conseil
Department of Justice Canada / Ministère de la Justice Canada
Legal Services - AANDC / Services juridiques - AADNC
10th floor, 10 Wellington Street / 10ième étage, 10, rue Wellington
Gatineau (QC)
Postal Address / Adresse postale: Ottawa (ON) K1A 0H4
tel. / tél.: 819-997-8230
fax / téléc.: 819-994-4641
linda.rychel@aadnc-aandc.gc.ca
Government of Canada / Gouvernement du Canada

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**Pages 338 to / à 377
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de la Loi sur l'accès à l'information**

From: Janet Townson
To: Andrew Webster; Linda Rychel
CC: Guylaine Gaudreau
Date: 31/07/2012 3:28 PM
Subject: ERP DRAFT ASSESSMENT: MULTIPLE CLAIM RECOGNITION MODULE
Attachments: NCR-#4543952-v3-
ERP_DRAFT_ASSESSMENT__MULTIPLE_CLAIM_RECOGNITION_MODULE_.DOCX; NCR-#4451683-
v5-ERP_BRIEFING_DOCUMENT___PEP_DOCUMENT_DU_BREFFAGE_.DOCX

Please find attached the documents for the ERP assessment meeting on Wednesday

Janet

Multiple Claim Identification Module

Parameter Definitions:

CLAIM (Policy and Legal Definition)

A demand made by a First Nation pursuant to the Specific Claims Policy for compensation for its losses arising from and based on the same or substantially the same facts and relating to the same land or other assets.

EVENT (Historical Definition)

A significant event with a single centralized focus that includes a series of related occurrences which obtain their relevancy connecting each other through meaningful association and are considered contained within the original event. Therefore, this single event, based upon the grounds for a claim, can be recognized within the definition of a "specific claim".

CONDITIONS FOR CLAIM IDENTIFICATION

The claim submission must meet the Minimum Standard and be recommended for filing with the Minister as a specific claim.

The Analyst will need to work with the allegations within the historical context. If the allegations are worded without the benefit of the historical context, extract the allegations and historical context to proceed with the analysis.

Multiple claims will have identifiable start and end dates which signify independent events. However, significant events can demonstrate overlapping timelines with overlapping dates, but keep in mind the foci of the significant events are unrelated. In other words, there is no relevancy between the subject matters and its related occurrences.

If two or more of the "Multiple" claims cite the same occurrences or rely upon the completion of one event before the next event can start, it is necessary to review the historical context of the significant events involved to ensure their complete independency of each other. In other words, there can be no relationship between the events. If a relationship exists, this adds a level of complexity to the "Multiple" claims. This complexity may affect the outcome of the "specific claim" and it should not be considered for modification.

If the **larger historical context** fully unites the identified claims within the claim submission, it makes sense to keep them together for the purposes of completing the assessment stage, therefore the claims should not be considered for modification.

CONSIDERATIONS

1. Are there separate timelines?
2. Are there different key players?
3. Are there different beginning and ending dates surrounding the significant historical events?
4. Can the supporting elements of the claim submission be modified without difficulty?
 - a. Should this be a consideration?
5. Are there different Breach dates?
6. If the claim submission is identified for modification, is there a level of complexity that suggests that the modification should not take place?
 - a. **Event Complexity:** At least one identified relationship between two or more separate historical events that implicate each other in a current timeline or one event is dependent upon the completion of the other in a previous timeline. (Complexity does not apply if and only if Canada has obtained a settlement with a full release of all the other historical events, including all occurrences. If even one of the occurrences remains outstanding, then complexity can be applied and modification should not take place.)
 - b. **Historical Context:** History occurs on two levels, small and large. The smaller scale (micro-history) links the interaction of events to the political, social and economic structures as well as, man's interaction with his environment on a larger scale (macro-history).
7. Is there an issue that links the claims together that can only be resolved by addressing both claims at the same time?
8. How does the implication of multiple claims within a claim submission impact how the ERP Committee should view a complete claim submission for the purposes of a negotiated release?
9. When reviewing land transactions, does the submission appear complete when reviewing the allegations?
 - a. Surrender – validity, pre and post fiduciary obligation, inadequate compensation
 - b. Expropriation – injurious affection, minimal impairment
 - c. In any licence or permit – implementation, inadequate compensation, valuation, best bid, best use of land, length of lease,
 - d. However, Negotiation will try to obtain a release including all aspects of the specific claim whether submitted or not and will address regularization of any trespass.

Early Review Process Briefing Document: Minimum Standard | 2012

Date of Meeting: _____

Analyst Presenting Claim: _____

NAME(S) OF CLAIMANT(S):	FN LEGAL COUNSEL and ADDRESS:		
TITLE OF CLAIM SUBMISSION: <i>...</i>	REGISTRY FILE NUMBER: <i>B8260-88-100</i>		
DATE RECEIVED BY DG: <i>...</i>	SIX MONTH DEADLINE: <i>...</i>		
ALLEGATIONS AS STATED WITHIN SUBMISSION (verbatim): <ul style="list-style-type: none"> <i>Use bullets to separate allegations.</i> <i>Indicate page number if allegations are dispersed.</i> 			
Does the claim submission fit under the SC Policy? (Analysis of each allegation under SC Policy – checklist 1)			
<u>SOME</u> fit within the Policy ____	<u>ALL</u> fit within the Policy ____	UNSURE ____	<u>NONE</u> fit within the Policy ____
Is the value of the claim submission estimated to be <u>over</u> \$150 million?		Yes ____	No ____
POLICY CONSIDERATIONS: (For Policy use only) <ul style="list-style-type: none"> <i>Use bullets.</i> 			

Early Review Process Briefing Document: Minimum Standard | 2012

Date of Meeting: _____

Analyst Presenting Claim: _____

ANALYSIS FOR KIND OF INFORMATION AND FORM AND MANNER UNDER MINIMUM STANDARD (Checklists 2 and 3)		
<i>Respond to questions:</i>	YES	NO
<i>Does the submission meet the Minimum Standard for Kind of Information? (checklist 2)</i>		
<i>Does the submission meet the Minimum Standard for Form and Manner? (checklist 3)</i>		
RESEARCH CONSIDERATIONS: <i>(To be filled in by Research.)</i> <ul style="list-style-type: none"> Beneficiaries; provisional reserve; previous settlements or BCTC tables; location of documents, workload etc. Are there any documents from a previous submission or with a similar historical context that may be helpful when DOJ reviews the current submission? Use bullets. 		
STANDARD OF RESEARCH <u>Move from this area</u>	Poor: Does not meet Minimum Standard; Do Not File with Minister Fair: Working with First Nation to bring submission up to Minimum Standard Good: Meets Minimum Standard; File with Minister	
Poor ____	Fair ____	Good ____

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ANALYSIS FOR EXPEDITED PROGRAM (Checklist 4)		
Respond to questions:	YES	NO
<i>Is the value of the claim estimated to be <u>under</u> \$3 million?</i>		
<i>Does the claim meet the requirements of the expedited checklist?</i>		
ANALYSIS OF SUBMISSION: <i>Provide reasons to support your analysis that the claim fits under the expedited or the standard review process.</i>		
LEGAL / DOJ CONSIDERATIONS (For DOJ use only) <ul style="list-style-type: none"> <i>Use bullets.</i> <i>Was there previous legal advice? If yes, what type? (Prior to Oct. 16, 2008, expedited is not a consideration.) Full – Standard – Expedited</i> <i>If yes, how is the submission different? Historical context – Allegations - Documents</i> 		
<i>For internal committee use only</i>		
DECISION:	Typology:	
NOTICE:	Comments for Dashboard:	

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SUBMISSION DETAILS

BACKGROUND: <ul style="list-style-type: none"> Historical information that supports the allegations. 		
SUBSTANCE OF CLAIM: <ul style="list-style-type: none"> The database has limited space. Start all allegations with "Alleges" Because the claimant makes the allegations against Canada, neither the claimant nor Canada needs to be mentioned in the allegations. 		
Province:	Signatory to which Treaty:	
Pre-confederation		
Yes ____	No ____	Description of claimed lands, if applicable:
First Nation(s) affected by the Claim or involved in the history of the Claim: <ul style="list-style-type: none"> Use bullets 		
Other parties affected or involved in the history of the Claim: (This can include First Nations, Departments and Provinces – stakeholders.)		
Other Claims and/or litigation involving the Claimant and other interested parties: <ul style="list-style-type: none"> Use bullets 		
Other INAC, federal or provincial programs that may address aspects of the Claim:		
Respond to the following questions	YES	NO
Has SCB and / DOJ reviewed these allegations previously?		
Have the allegations and / or historical events been addressed as part of a negotiated settlement?		
<u>If yes is marked to either of the questions, please explain:</u>		
RECOMMENDATION OF ANALYST:		
It is recommended that the submission (be / not be) filed as a claim with the Minister of Aboriginal Affairs and Northern Development.		

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Multiple Claim Recognition Module

ASSESSMENT OF MULTIPLE CLAIM RECOGNITION MODULE (Checklist 4)		
<i>Respond to questions:</i>	YES	NO
<i>Do the allegations demonstrate more than one historical event that can be identified as an additional claim?</i>		
<i>Are any allegations left over?</i>		
<ul style="list-style-type: none"> If yes, list them: 		
<i>Can each additional claim be addressed independently of any outstanding breaches? (complexity)</i>		
<ul style="list-style-type: none"> If no, explain: 		
CLAIM IDENTIFICATION: <i>(To be filled in by Research.)</i> <ul style="list-style-type: none"> Briefly summarize each claim. Use bullets. 		
<i>For internal committee use only</i>		
<i>Committee Decision:</i>		

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Record of work (with First Nation, ERP recommendations, etc.)

Date	Description and Record type of work	Comments / Contact Information

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Analyst Presenting Claim: _____

1. Checklist for Assessment of Claims (or *prima facie*)

Respond to the following questions:	YES	NO
Eligibility under the Specific Claims Policy (or <i>prima facie</i>)		
Is the claim based on an event(s) that is at least 15 years old?		
Is the claim based on a land claim agreement entered into after December 31, 1973, or any related agreement or Act of Parliament?		
Is the claim based on an Act of Parliament or agreement that is mentioned in the schedule, or an Act of Parliament or agreement for the implementation of such an Act or agreement?		
Is the claim based on the delivery or funding of programs related to <i>policing, regulatory enforcement, corrections, education, health, child protection or social assistance</i> , or of any similar programs or services?		
Is the claim based on any agreement between the First Nation and the Crown that provides for another mechanism for the resolution of disputes arising from the agreement?		
Is the claim based on aboriginal rights / title? (or does it allege...)		
Is the claim based on treaty rights related to activities of an ongoing and variable nature, such as harvesting rights? (Note: Nothing prevents a claim that is based on a treaty right to lands or to assets to be used for activities, such as ammunition to be used for hunting or ploughs to be used for cultivation, from being filed [at the Tribunal].)		
Does the alleged lawful obligation relate to the federal government and deal with issues that are still outstanding?		
Have the issues been compensated previously by Canada in litigation or by way of another agreement?		
Are there allegations that give cause for concern under the SC Policy?		
<i>If yes, list the allegations that give cause for concern and explain why.</i> <ul style="list-style-type: none"> • Use bullets for the allegations ○ Use indents for the explanations 		
ESTIMATION OF VALUATION: (explain estimate)		
Under \$3 Million _____	\$3 Million - \$150 Million _____	Over \$150 Million _____

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2. Checklist for Kind of Information

Submission must include the following, as set out below:

<i>Respond to the following questions:</i>	YES	NO
CLAIM DOCUMENT		
Are the allegations based on one or more "Grounds for a Claim", as described within the SC Policy?		
Do the factual circumstances of the submission support each allegation?		
Do the legal arguments support each allegation?		
Does the statement of the facts support each allegation?		
Is there a statement in the submission that compensation is being claimed?		
Has a list of authorities including the citations been provided? that support the allegations provided with the submission? (<u>copies not required</u> - treaties, statutes, case law and law journal articles)		
Does the list of authorities support the allegations stated within the submission? (Remember: <u>copies are not required</u> for: treaties, statues, case law, and law journal articles)		
HISTORICAL REPORT		
Do the documents remitted with the submission support the factual circumstances summarized in the Historical Report?		
Do the factual circumstances and supporting documents encompass the allegations?		
SUPPORTING DOCUMENTS		
Is every primary document complete? (encompass allegations, referred to in the factual circumstances)		
Are the relevant excerpts (sections) of the secondary documents provided? (encompass allegations, referred to in the factual circumstances and / or included in the factual circumstances.)		
Do the primary and secondary documents support the citations in the historical report and show relevancy to the allegations?		
Explain findings, as required:		
<i>Internal committee use only:</i>		

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Analyst Presenting Claim: _____

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Analyst Presenting Claim: _____

3. Checklist for Form and Manner

Presentation of the Submission must conform to the minimum as set out below:

<i>Respond to the following questions:</i>	YES	NO
Supporting Documents (<i>must have at a minimum</i>)		
Are the documents clearly labelled with the document source and number?		
Are the documents identified as referenced in the .1. Claim Document and / or 2. Historical Report . (If the document is not referenced in either the Claim Document or the Historical Report, note this for DOJ.)		
Is there a separate document index: doc. #, date and archival ref. where applicable .		
Legible and complete. (Transcripts are required for poor quality documents. See HQ CIDM# 1404301: Public History Guide to Producing Transcripts)		
Clean copies. (Ensure that the <i>supporting documents</i> haven't been written on by the claimant.)		
Intact. (Ensure the text hasn't been obscured by being cut off, stapled and / or bound in any shape or form.)		
Documents are submitted as hard copies and / or on CD-ROM, DVD-ROM, or any other standard mass storage device		
<i>Does the Submission include a clear statement indicating that it is being remitted on behalf of the "First Nation" as defined in the SC Policy?</i>		
<i>If, yes, is evidence included with the submission that the remittance was made with the express authority of the First Nation?</i>		
The submission must be submitted by a First Nation as defined by the <i>Indian Act</i> Sec. 2(1); or a group of persons that was, but is no longer, an <i>Indian Act</i> Band that has retained the right to bring a specific claim under a land claim or self-government agreement.		
<i>For internal committee use only</i>		
Poor	Does not meet criteria for Kind of Information/ & Form & Manner: Submission does not provide the <i>kind of information</i> / & <i>form & manner</i> as required under Section 16(3) of the <i>Specific Claims Tribunal Act</i> to be filed with the Minister. Preparation of Notice 2.1: <i>List the information missing from the submission in an attachment.</i>	
Good	Meets criteria for Kind of Information; Form & Manner; Within Policy Submission meets the <i>Reasonable minimum standard</i> as required under Section 16(3) of the <i>Specific Claims Tribunal Act</i> to be filed with the Minister <u>and</u> the claim falls within the <i>Specific Claims Policy</i> .	

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	Prepare Notice 2.2: (Remove reference to minor technical issues)
Fair	Requirements - TBD

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4. Checklist for Multiple Claim Recognition

Presentation of the Submission must conform to the minimum as set out below:

<i>Respond to the following questions:</i>	YES	NO
A significant event with a single centralized focus, including a series of related occurrences which obtain their relevancy between each other through meaningful association and are considered contained within the original event. Therefore the single event based upon the grounds for a claim can then, be recognized within the definition of a "specific claim".		
Does the claim submission meet the Minimum Standard and is, therefore, recommended for filing with the Minister as a specific claim, in its entirety?		
Are there separate timelines?		
Are there different breach dates?		
Are there different Key Players?		
Can the supporting elements of the specific claim be modified?		

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Date of Meeting: _____

Analyst Presenting Claim: _____

Early Review Process Briefing Document: Minimum Standard | 2012

Date of Meeting: _____

Analyst Presenting Claim: _____

Comité chargé du processus d'examen préliminaire

Date de la réunion :

Analyste présentant la revendication :

Renseignements de base sur la revendication :

Nom(s) du (des) revendicateur(s) (Nom(s) reconnu(s) par le gouvernement fédéral)	
Titre de la revendication	
Date de réception de la revendication par le DG	
Numéro de dossier du registre	
Fondement de la revendication	
Typologie	
Région(s) visée(s) par un traité	
Description de la (des) terre(s) revendiquée(s)	
Province/Municipalité	
Avant la Confédération? Oui/Non	
Moins de 3 millions de dollars? Oui / Non	Plus de 150 millions de dollars? Oui / Non

Recommandation :

Échéance :

Commentaires à inscrire au tableau de bord :

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Analyst Presenting Claim: _____

Early Review Process Briefing Document: Minimum Standard | 2012

Date of Meeting: _____

Analyst Presenting Claim: _____

<p>Les <i>documents d'appui</i> doivent être :</p> <ul style="list-style-type: none"> • Lisibles et complets. (Les transcriptions sont exigées pour les documents de qualité médiocre. Voir SGGID AC n° 1404301 : « Public History Guide to Producing Transcripts ») • Sous forme finale. (Assurez-vous que le requérant n'a pas écrit sur les <i>documents d'appui</i>.) • Intacts. (Assurez-vous qu'aucun mot n'a été retranché du texte, que ce soit par suite de coupures au contenu ou du brochage ou reliage du document, ou autrement.) 	<p>Oui / Non</p> <p>Oui / Non</p> <p>Oui / Non</p>
Les documents sont présentés sous forme de copie papier, de CD-ROM, de DVD-ROM ou de tout autre support.	Oui / Non
La revendication doit être présentée par une Première Nation au sens de la <i>Loi sur les Indiens</i> , par. 2(1), ou par un groupe de personnes qui, bien qu'il ne soit plus une bande en vertu de la <i>Loi</i> , a maintenu son droit de présenter une revendication particulière en vertu d'un accord de revendication territoriale ou d'autonomie gouvernementale.	Oui / Non
La revendication comprend-elle des preuves qui sont présentées au Canada avec l'autorisation expresse de la Première Nation (p. ex., résolution du conseil de bande, conseiller juridique de la Première Nation)?	Oui / Non

Admissibilité en vertu de la politique sur les revendications particulières (ou *prima facies*)

La revendication est-elle fondée sur des événements qui remontent à au moins quinze ans?	Oui / Non
La revendication est-elle fondée sur un accord relatif à des revendications territoriales conclu après le 31 décembre 1973, un accord connexe ou une loi fédérale connexe?	Oui / Non
La revendication est-elle fondée sur une loi fédérale ou un accord figurant à l'annexe, ou sur une loi fédérale ou un accord de mise en œuvre d'une telle loi ou d'un tel accord?	Oui / Non

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La revendication est-elle fondée sur la prestation ou le financement d'un programme relatif aux services de police, à l'exécution de la réglementation, aux affaires correctionnelles, à l'éducation, à la santé, à la protection des enfants ou à l'assistance sociale, ou sur tout autre service ou programme d'une nature semblable?	<i>Oui / Non</i>
La revendication est-elle fondée sur un accord, conclu entre la Première Nation et la Couronne, prévoyant un autre mécanisme de règlement des différends?	<i>Oui / Non</i>
La revendication est-elle fondée sur des droits ancestraux ou de titre autochtone?	<i>Oui / Non</i>
La revendication est-elle fondée sur des droits conférés par traité relativement à des activités susceptibles d'être exercées de façon continue et variable, notamment des droits de récolte? (Nota : Rien n'empêche de déposer une revendication fondée sur des droits conférés par traité sur des terres ou sur des éléments d'actif destinés à des activités, tels les munitions pour la chasse et les charrues pour l'agriculture.)	<i>Oui / Non</i>
La revendication est-elle présentée par la Première Nation qui a subi le présumé grief?	<i>Oui / Non</i>
L'obligation légale présumée est-elle liée au gouvernement fédéral et traite-t-elle de questions non résolues?	<i>Oui / Non</i>
Les questions en litige ont-elles déjà fait l'objet d'une indemnisation par le Canada à l'issue d'un procès ou d'un accord?	<i>Oui / Non</i>
Énumérer les principales allégations (textuellement) :	

Contexte de la revendication :

Première(s) nation(s) touchée(s) par la revendication ou rattachée(s) à l'histoire de la revendication :

Autres parties touchées par la revendication ou rattachées à son histoire :

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Autres revendications ou litiges visant le ou les revendicateur(s) et d'autres parties intéressées :

Autres programmes d'AINC, du gouvernement fédéral ou des gouvernements provinciaux pouvant régler certains aspects de la revendication :

Dépôt d'une revendication particulière
Examen de la norme minimale acceptable
et de l'admissibilité aux termes de la politique

Recommandation pour le dépôt auprès du ministre :
(Supprimer les recommandations non utilisées.)

1. **Conforme aux critères pour le type de renseignements; forme et présentation; conforme aux critères de la politique :** La revendication respecte la *norme minimale acceptable* pour être déposée auprès du ministre, comme l'exige le paragraphe 16(3) de la *Loi sur le Tribunal des revendications particulières* et satisfait aux critères de la politique sur les revendications particulières.

Décision du comité : La revendication respecte la norme minimale établie par le ministre conformément aux dispositions de la *Loi sur le Tribunal des revendications particulières* et énoncée dans la politique sur les revendications particulières.

Préparation de la lettre 2.2 : Délai (Retirer la mention de problèmes techniques mineurs)

2. **Conforme aux critères pour le type de renseignements; forme et présentation déficientes; conforme aux critères de la politique :**
La revendication est conforme aux critères pour le *type de renseignements*; cependant, la forme et la présentation **ne sont pas** conformes aux modalités pour le dépôt auprès du ministre comme l'exige le paragraphe 16(3) de la *Loi sur le Tribunal des revendications particulières*.

Commentaires : (L'analyste doit analyser la *forme* et la *présentation en détail*.)

Note : Les problèmes techniques mineurs sont sans effet sur le dépôt de la revendication auprès du ministre.)

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Décision requise du Comité : D'après l'analyse de la *forme* et de la *présentation*, la revendication de la Première Nation présente-t-elle des problèmes techniques mineurs seulement? *Oui / Non.*

Si oui, utiliser la lettre 2.2, qui comprend une section sur les problèmes techniques mineurs.

La revendication respecte la norme minimale établie par le ministre conformément aux dispositions de la *Loi sur le Tribunal des revendications particulières* et exposée dans la politique sur les revendications particulières, mais présente des problèmes techniques mineurs.

Si non, utiliser la lettre 2.1 (importants problèmes de forme et de présentation).

La revendication ne respecte pas la norme minimale établie par le ministre conformément aux dispositions de la *Loi sur le Tribunal des revendications particulières* et exposée dans la politique sur les revendications particulières.

Préparation de la lettre : Délai

3. Non conforme aux critères pour le type de renseignements :

La revendication ne respecte pas la *norme minimale acceptable* pour le dépôt auprès du ministre comme l'exige le paragraphe 16(3) de la *Loi sur le Tribunal des revendications particulières*.

Commentaires : (L'analyste doit analyser le *type d'information en détail.*)

Décision du Comité : La présentation ne respecte pas la norme minimale établie par le ministre conformément aux dispositions de la *Loi sur le Tribunal des revendications particulières* et exposée dans la politique sur les revendications particulières.

Préparation de la lettre 2.1 : Délai

4. Conforme aux critères pour le type d'information; forme et présentation; non conforme aux critères de la politique :

La revendication est conforme à la *norme minimale acceptable* pour le dépôt auprès du ministre comme l'exige le paragraphe 16(3) de la *Loi sur le Tribunal des*

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revendications particulières, mais elle **n'est pas conforme** aux critères de la politique sur les revendications particulières.

Commentaires : (L'analyste doit analyser en détail les raisons pour lesquelles la revendication, en tout ou en partie, n'est pas conforme aux critères de la politique sur les revendications particulières.)

Décision du Comité : La revendication respecte la norme minimale établie par le ministre conformément aux dispositions de la *Loi sur le Tribunal des revendications particulières* et énoncée dans la politique sur les revendications particulières, mais elle n'est pas admissible à l'évaluation aux termes de la politique sur les revendications particulières.

Préparation de la lettre 3.1 : Délai

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PROCESSUS D'EXAMEN PRÉLIMINAIRE - RÉSUMÉ

REVENDICATEUR :

TITRE DE LA REVENDEICATION :

DATE REÇUE PAR LE DG :

Recherches effectuées par : *Inconnu*

Avis juridique donné par : *Inconnu*

Présenté par :

CONTEXTE

Quand la réserve a-t-elle été créée?

Ajouter toute autre information pertinente liée à la revendication.

FONDEMENT DE LA REVENDEICATION

Qu'allègue la Première Nation?

Quelles sont les solutions recherchées?

NORMES EN MATIÈRE DE RECHERCHES

La revendication a-t-elle été étudiée en profondeur et convenablement présentée?

CONSIDÉRATIONS FONDÉES SUR LA RECHERCHE

CONSIDÉRATIONS STRATÉGIQUES

CONSIDÉRATIONS DU MJ/D'ORDRE JURIDIQUE

RECOMMANDATION

Recommander l'acceptation / la non-acceptation du dossier de présentation de la revendication particulière être déposée avec le ministre des Affaires autochtones et du développement du Nord canadien.

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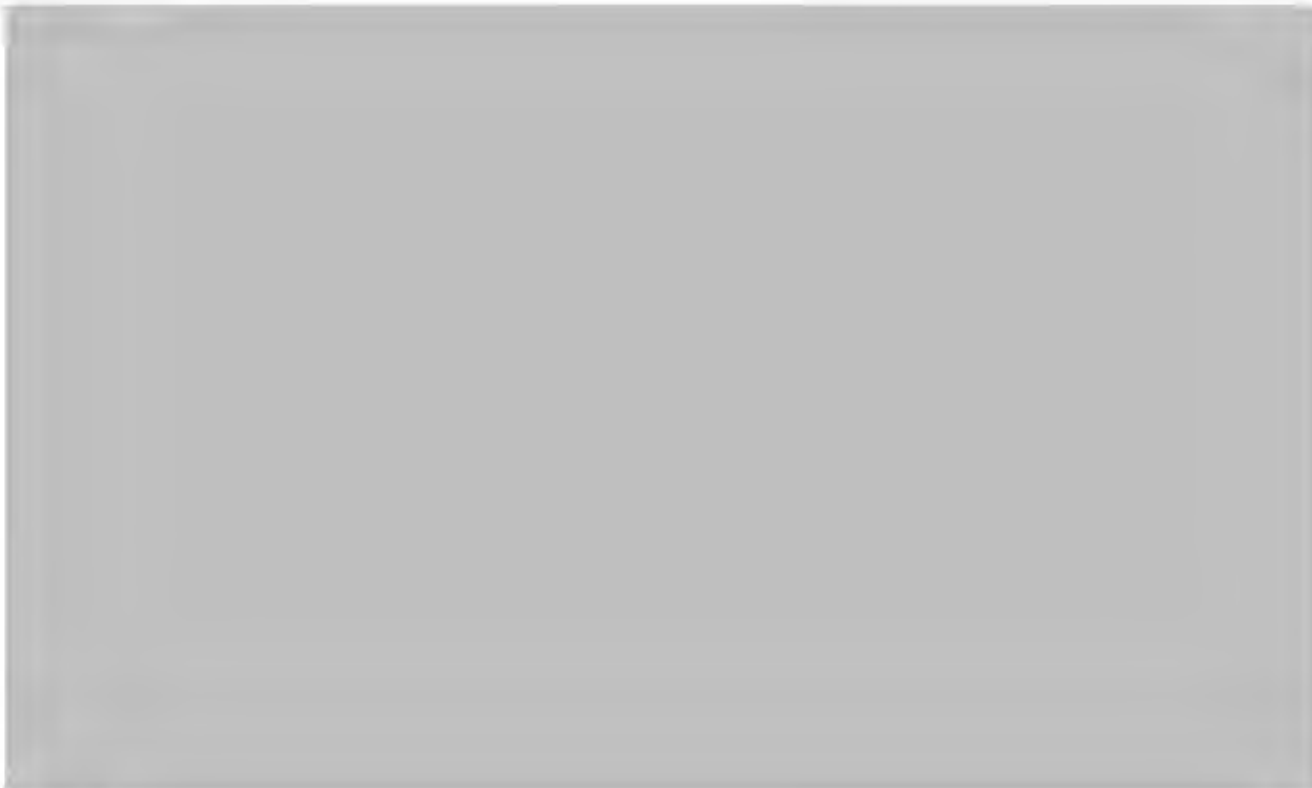
Date of Meeting: _____

Analyst Presenting Claim: _____

From: Linda Rychel
To: Townson, Janet; Webster, Andrew
CC: Moore, Marcia
Date: 27/07/2012 4:15 PM
Subject: [REDACTED]

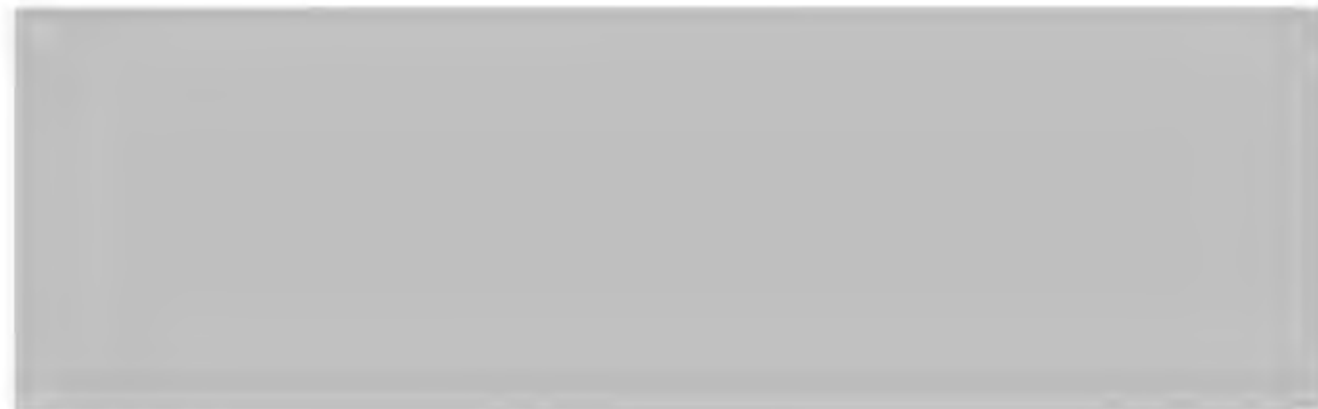
Janet and Andrew,

s.23

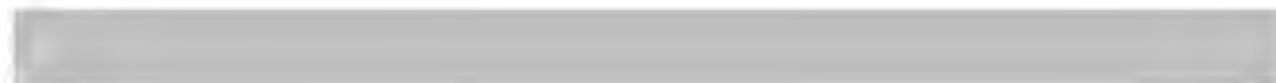


Linda

>>> Janet Townson 7/25/2012 10:31 AM >>>
Hi Linda and Andrew...



>>> Linda Rychel 7/24/2012 4:08 PM >>>
Andrew,



s.23

Linda

Linda Rychel
Senior Counsel / Avocate-conseil
Department of Justice Canada / Ministère de la Justice Canada
Legal Services - AANDC / Services juridiques - AADNC
10th floor, 10 Wellington Street / 10ième étage, 10, rue Wellington
Gatineau (QC)
Postal Address / Adresse postale: Ottawa (ON) K1A 0H4
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fax / téléc.: 819-994-4641
linda.rychel@aadnc-aandc.gc.ca
Government of Canada / Gouvernement du Canada

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Think green...read on screen. / Soyez écolo...lisez à l'écran.

>>> Andrew Webster 7/20/2012 9:35 AM >>>
Here we go again,

Txs Linda, 

s.23


Andrew

From: Andrew Webster
To: Rychel, Linda; Townson, Janet
Date: 20/07/2012 9:35 AM
Subject: [REDACTED]
Attachments: [REDACTED]

Here we go again,

Txs Linda, [REDACTED]

Andrew

**Pages 409 to / à 416
are withheld pursuant to section
sont retenues en vertu de l'article**

23

**of the Access to Information Act
de la Loi sur l'accès à l'information**

From: Janet Townson
To: Andrew Webster; Linda Rychel
Date: 20/07/2012 1:13 PM
Subject: Re: [REDACTED]

Hi Andrew..

s.23



Janet

>>> Andrew Webster 7/20/2012 9:35 AM >>>
Here we go again,

Txs Linda



Andrew

From: Linda Rychel
To: Townson, Janet; Webster, Andrew
CC: Moore, Marcia
Date: 19/07/2012 4:23 PM
Subject: Re: [REDACTED]

s.23



Hope this helps,

Linda

Linda Rychel
Senior Counsel / Avocate-conseil
Department of Justice Canada / Ministère de la Justice Canada
Legal Services - AANDC / Services juridiques - AADNC
10th floor, 10 Wellington Street / 10ième étage, 10, rue Wellington
Gatineau (QC)
Postal Address / Adresse postale: Ottawa (ON) K1A 0H4
tel. / tél.: 819-997-8230
fax / téléc.: 819-994-4641
linda.rychel@aadnc-aandc.gc.ca
Government of Canada / Gouvernement du Canada

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Think green...read on screen. / Soyez écolo...lisez à l'écran.

>>> Andrew Webster 7/19/2012 3:27 PM >>>
Here you go,

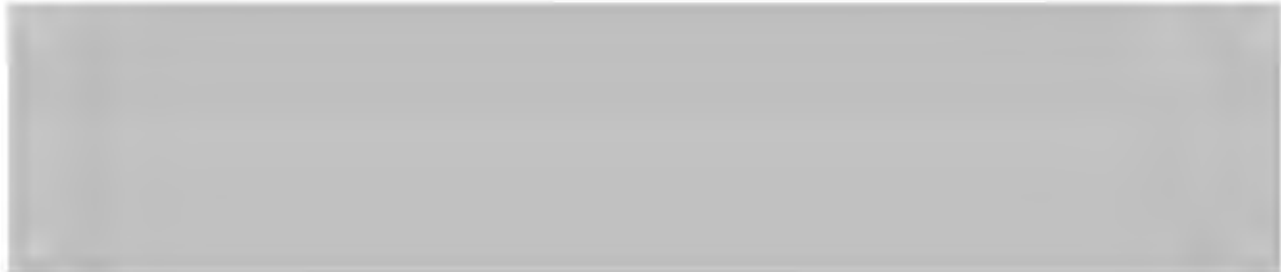
s.23

Andrew

From: Andrew Webster
To: Rychel, Linda; Townson, Janet
Date: 19/07/2012 3:27 PM
Subject: [REDACTED]
Attachments: [REDACTED]

Here you go,

s.23



Andrew

**Pages 421 to / à 429
are withheld pursuant to section
sont retenues en vertu de l'article**

23

**of the Access to Information Act
de la Loi sur l'accès à l'information**

From: Linda Rychel
To: Townson, Janet; Webster, Andrew
CC: Moore, Marcia
Date: 18/07/2012 9:01 AM
Subject: Re: [REDACTED]
Attachments: [REDACTED]

Good morning,

s.23

[REDACTED]

Linda

>>> Andrew Webster 7/9/2012 12:24 PM >>>
Hello Linda,

[REDACTED]

s.23



Andrew

>>> Linda Rychel 6/19/2012 4:21 PM >>>



See you tomorrow,

Linda

Linda Rychel
Senior Counsel / Avocate-conseil

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Think green...read on screen. / Soyez écolo...lisez à l'écran.

>>> Janet Townson 6/19/2012 1:43 PM >>>
Good Afternoon...



Janet

Page 433

**is withheld pursuant to section
est retenue en vertu de l'article**

23

**of the Access to Information Act
de la Loi sur l'accès à l'information**

Linda Rychel - [REDACTED]

From: Andrew Webster
To: Rychel, Linda; Townson, Janet
Date: 7/12/2012 9:48 AM
Subject: [REDACTED]
Attachments: [REDACTED]

* provided copies of
the attached to
Janet and Andrew
on July 18/12.
R

Linda,

[REDACTED]

Looking forward to our get-together on Wednesday, or Tuesday if we can manage it.

Andrew

s.23

Please PA to

[REDACTED]

Pages 435 to / à 442
are withheld pursuant to section
sont retenues en vertu de l'article

23

of the Access to Information Act
de la Loi sur l'accès à l'information

From: Janet Townson
To: Don Boswell; Heather Robinson; Jacques Siegrist; Monique Forget
CC: Aida Hidic; Andrew Webster; David Lachapelle; Guylaine Gaudreau; Lin...
Date: 21/06/2012 9:17 AM
Subject: EARLY REVIEW PROCESS: RECORD OF DECISION - APPROVED
Attachments: NCR-#4484297-v1-early_review_process__record_of_decision_-_approved.PDF

Good Morning...

Please find attached the June 5, 2012, ERP Record of Decision.

If you haven't already revised your ERP Briefing Documents, please revise by the end of the day of June 26, 2012.

As some of you may know ERP is going through some growing pains and the Record of Decision has experienced some of its own.

Please note the new additions (please pass this to your teams for the purposes of seeing the new format):

- 1) The date received by the DG and the six month deadline
- 2) The officer responsible for the submission and the presenter, if different
- 3) Consideration of expedited or standard legal advice will be examined for every submission as part of the ERP process and reasons will be provided supporting these decisions.
- 4) A section for additional ERP related discussions has been added.
- 5) A section for the concurrence or non-concurrence with the Record of Decision by the chair has been added.
- 6) The signed form has the CIDM # of the word document, but if you use the related tab in CIDM, you'll locate the PDF Approved document.

If you have any questions, please contact me...

Janet

From: Lyle Henderson
To: Rychel, Linda
CC: Moore, Marcia
Date: 02/02/2011 5:05 pm
Subject: Re: Re [REDACTED]

Lyle

>>> Linda Rychel 2/2/2011 3:24 PM >>>
Protected/Solicitor-client Privilege

Lyle,

Thanks,

Linda

Linda Rychel
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s.23

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From: Janet Townson
To: Linda Rychel
CC: Lyle Henderson
Date: 20/05/2010 2:49 pm
Subject: DRAFT: CHECKLIST FOR COMPLETED SCB HISTORICAL REVIEW PACKAGE
Attachments: NCR-#2981609-v2-DRAFT__CHECKLIST_FOR_COMPLETED_SCB_HISTORICAL_review_PACKAG
E.DOC

Linda...

I've incorporated the suggestions your Team has made to the document and provided it for review.

To answer some of the questions within the review:

- 1) Re: Over-sized documents. Yes, if the FN provides scanned versions of these documents, DOJ will receive both a hard-copy and the electronic versions.
- 2) As you can see on the Checklist, 15-20 p.p. was in reference to pages. This has been simplified to eradicate confusion.
- 3) Yes, different notations have been considered within the Checklist. SCB will also be considering a different process due to this new revelation. Thank you for your comments in this area.
- 4) Clarification has been added to "Supporting Appendices" and "Supporting [...] collection".

Thank you for reviewing this revised draft.

Janet

Checklist for Completed SCB Historical Review Package

To ensure SCB creates a consistent Historical Review Package from Vancouver and Headquarters, an integration of the current practices from both offices and the introduction of some new initiatives will produce a Historical Review Package highlighting SCB's processing of new claims under the SCTA three year deadline.

- ☐ First Nation's submission is scanned using branch standards and saved in CIDM. (No extraction of First Nation's allegations.)
- ☐ Canada's Historical Review is scanned using branch standards and saved in CIDM (Includes key documents selected from First Nation's submission.)
- ☐ Over-sized documents / maps are photocopied. (One set of hard-copies provided to DOJ and one PA'd to Central Records.)
- ☐ SCB Historical Review (word and .pdf formats):
 - Factual, objective, concise and complete historical review; no summary of First Nation allegations
 - Month and year is added to the bottom right
 - Paragraphs are numbered
 - 20 pages maximum
 - Pages numbers are centered using the format: 1 of end #
 - Notations for supporting documents will refer to the originating research. e.g. First Nation claim, "FN Doc #", SCB Historical Review, "SCB Doc #".

Note: These documents are considered key to understanding the allegations presented in the claim submission by the First Nation.

- ☐ SCB Document Index: Entries are annotated
- ☐ Before saving to CD (or DVD), ensure the following (quality control):
 - No scanned documents are missing or skewed
 - All documents are **bookmarked** to the correct document / link area with the corresponding label
 - Difficult to read SCB documents are transcribed (FN documents will be caught by ERP.)
 - Transcripts are sub-bookmarked separately (or vice-versa.) to the original document (Be consistent.)

Checklist for Completed SCB Historical Review Package

SCB Historical Review CD (DVD) Presentation:

Only two main folders are saved onto the CD (or DVD): 1) First Nation Claim and 2) SCB Historical Review. Within each folder, there are sub-folders following the structure of the Minimum Standards as set out in *The Specific Claims Policy and Process Guide*.

Folder 1: First Nation Claim

Sub-folder 1: *First Nation* Claim Document (document examples):

- First Nation Band Council Resolution (BCR) or a document which provides the express authority of the First Nation that the claim is being submitted on their behalf
- First Nation / Legal Counsel / [...] TARR Centre Letter
- Allegations
- Legal Arguments
- Statement of Facts
- Statement of Compensation
- List of authorities

Sub-folder 2: *First Nation* Historical Report:

- Historical report

Sub-folder 3: *First Nation* Supporting Documents (document examples):

- Supporting documents
- Supporting document index
- Supporting appendices (Any type of separately listed appendix, whether a report or collection of related documents the First Nation has included on a relevant subject.)
- Supporting [...] collection (Any type of separately listed document collection. e.g. charts, maps, trust fund accounts, etc.)

Checklist for Completed SCB Historical Review Package

Folder 2: SCB Historical Review

(The SCB does not require a sub-folder for Claim Document.)

Sub-folder 1: SCB Historical Report

- Historical review with bookmarked key documents

Sub-folder 2: Supporting Documents (document examples)

- Supporting documents
- Supporting document index
- Supporting appendices (Any type of separately listed appendix, whether a report or collection of related documents on a relevant subject.)
- Supporting [...] collection (Any type of separately listed document collection. e.g. charts, maps, trust fund accounts, etc.)
- Specialized DOJ checklists eg. Railway, expropriation,

(10/12/2010) Marcia Moore - Re: DRAFT: CHECKLIST FOR COMPLETED SCB HISTORICAL CLAIM PACKAGE

From: Janet Townson
To: Linda Rychel
CC: Ann Snow; Bonnie Orchard; Brian Willcott; Catherine Welsh; Chris Els...
Date: 14/05/2010 10:14 am
Subject: Re: DRAFT: CHECKLIST FOR COMPLETED SCB HISTORICAL CLAIM PACKAGE

Thank you, Linda and Team of Legal Counsel Reviewers!!

Once I have a chance to review and digest, I will be in contact.

Janet

>>> Linda Rychel 5/14/2010 10:01 AM >>>
Janet,

Thanks again for the opportunity to be involved in developing the Checklist. I received quite a few comments from the opinion writing counsel and a few requests for clarification. Below (scroll past my signature block) you will find a mix of minor/editorial comments and more substantive comments which roughly follow the order of the draft Checklist. Once you have had a chance to review these comments, please feel free to get back to me with any questions. Once the Checklist is finalized, you can send the final version to me and I will distribute it to all counsel (and management too).

Regards and have a nice weekend,

Linda

Linda Rychel
Senior Counsel / Avocate-conseil
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Comments from Justice counsel on draft Checklist

Re page 1 of the Checklist:

1. Should the title be "Checklist for Completed SCB Historical Review Package"?
2. Regarding the first bullet, we do not need the SCB to "prepare" the First Nation's claim submission (e.g. extract allegations, etc.) as the entire submission is being read anyway. So, all that is needed is for the entire First Nation claim submission to be scanned and placed in the appropriate folder on the CD/DVD. (more on this point below)

3. FYI, we are comfortable with the elimination of the separate Executive Summary and SCB Historical Report documents to be replaced by one SCB Historical Review document. Two suggestions we have for the new Historical Review document are that the page numbering follow the "page 1 of 5" format so we know for certain all the pages are included. Also, it would be helpful if the SCB Historical Review document would be dated (month and year would be fine).

4. While receiving photocopies of over-sized documents is great, if they are already scanned as part of the First Nation's document collection, we presume the scanned versions will be on the CD/DVD as well.

5.

Question: Is the "15-20 p.p. maximum" a reference to paragraphs or pages? If paragraphs, since a paragraph can be short or long, it may not be the best way to set a maximum length. Also, it might be clearer to use one number (e.g. 20) and not a range (15-20) as the maximum length. *Question:* Would the SCB be willing to consider different notations for the supporting documents in the SCB Historical Review to make it clear which documents are the result of SCB confirming research (e.g. SCB CR Doc #) as opposed to those taken from the First Nation's document collection (SCB FN Doc #)?

6. Although opinion writing counsel would like to have documents both bookmarked and hyper-linked, if a choice is required, then the majority have chosen to have documents bookmarked.

Re page 2 of the Checklist:

7. The idea of two main folders on the SC/DVD, one for First Nation materials and one for SCB materials, is a good one, but we think the Checklist is a little unclear, as currently set out, with regard to the sub-folders. Instead of saying:

o The naming conventions of the sub-folders will follow The Specific Claims Policy and Process Guide.

(Include SCB or FN in each title.):

- 1) Claim Document*
- 2) Historical Report
- 3) Supporting Documents.

*The SCB will not have a Claim Document sub-folder. The First Nation's Band Council Resolution (BCR) and submission letter will be included within the First Nation's sub-folder.

It would be clearer to have two parts to this section of the Checklist, one for "1) First Nation Claim" and one for "2) SCB Historical Review. That would eliminate the need for the note "The SCB will not have a Claim Document sub-folder. The First Nation's Band Council Resolution (BCR) and submission letter will be included within the First Nation's sub-folder." and would take care of other problems such as having a sub-folder called "SCB Historical Report" when no such document is going to exist under this new approach. So, for example, the First Nation Claim section of the CD/DVD will have the following structure:

First Nation Claim

FN Claim Document

First Nation Submission

Band Council Resolution (BCR)

First Nation/Legal Counsel/TARR Centre Submission Letter

FN Historical Report

Historical Report

FN Supporting Documents

Supporting Documents

Supporting Document Index

Supporting Appendices

Supporting [...] Collection

While the SCB section will have the following structure:

(10/12/2010) Marcia Moore - Re: DRAFT: CHECKLIST FOR COMPLETED SCB HISTORICAL CLAIM PACKAGE

SCB Historical Review
SCB Historical Review
Historical Review
SCB Supporting Documents
Supporting Documents
Supporting Document Index
Supporting Appendices
Supporting [...] Collection

While this will lead to a bit of duplication, it will, in the end, make the checklist clearer and everyone can, literally, "check off" each item for the First Nation and SCB materials.

8. If the above approach is not acceptable, then we note, in the alternative, the following additions to the current draft:
"The SCB Historical Review folder will not have a Claim Document sub-folder. The First Nation's Band Council Resolution (BCR) and submission letter will be included within the First Nation's Claim Document sub-folder. (see also point 9 immediately below)

9. You will note in the above list of items in the First Nation Claim Document sub-folder, "First Nation Submission" takes the place of "Allegations, Legal arguments, Statement of facts, Statement of compensation and List of authorities" since, as noted earlier, it is not necessary for the SCB to break down the First Nation's submission into its component parts. Also in the same list, we have added "Submission" in front of "Letter" for clarity. With respect to the SCB Historical Review folder, it may be less confusing to have a different name for this folder since one of the sub-folders is also "SCB Historical Review". For the main folder, perhaps one of the following could be used: SCB Review, SCB Response, SCB Research, SCB Collection, or, SCB Documentation.

10. *Question:* We are not clear on what is meant by "Supporting Appendices" and "Supporting [...] collection", could a brief explanation or definition be included in the Checklist so we know what is found in these sub-folders?

>>> Janet Townson 4/23/2010 10:26 AM >>>
Linda...

Thank you for the discussion we had this morning. I will begin work on the SCB Historical Review document that's replacing the Executive Summary. I believe I'll be working with LMRB and then I'll submit a draft to you for the lawyers to review for their comments.

Looking forward to their comments, no holds barred!!

Janet

From: Janet Townson
To: Linda Rychel
CC: Lyle Henderson
Date: 06/04/2010 12:16 pm
Subject: Draft Checklist for Complete SCB Historical Claim Pkg
Attachments: NCR-#2934008-v1-DRAFT_CHECKLIST_FOR_COMPLETE_SCB_HISTORICAL_CLAIM_PACKAGE.
DOC

Hey Linda...

Keeping in mind that this is only a draft of the technical requirements for future submissions... Since this exercise has been initiated a number of questions have arose internally...

1) There are discussions as to how much work should go into the FN's submission. What is the minimum amount of preparatory work required for the lawyers to be able to review the FN's submission should the need arise and within a reasonable amount of time? Or should any work be done at all?

s.21(1)(a)

2)

3) The offer to provide more checklists doesn't go unnoticed. Do you or anybody else have something in mind?

Have a look at the skeletal beginning...I also want to address the issue of format for the Executive Summary and I will probably contact LMRB before I show you this.

If you think that meeting at any point is helpful...just let me know!

Janet

Checklist for Completed SCB Historical Claim Package

To ensure SCB creates a consistent Historical Review Package from Vancouver and Headquarters, an integration of the current practices from both offices and the introduction of some new initiatives will produce a Historical Review Package highlighting SCB's processing of new claims under the SCTA three year deadline.

- ☐ First Nation's submission is scanned using branch standard and saved in CIDM (Should be completed for ERP. ***Little or no prep-work is done on the First Nation submission?***)
- ☐ Canada's review is scanned using branch standard and saved in CIDM (Includes key documents selected from First Nation's submission.)
- ☐ Over-sized documents / maps are photocopied. (One set of hard-copies provided to DOJ and one PA'd to Central Records.)
- ☐ SCB Historical Review (word and .pdf formats):
 - Factual, objective, concise historical review; no summary of First Nation allegations
 - Paragraphs are numbered
 - 15-20 p.p. maximum
 - All supporting documents are referred to as: "SCB Doc #" (Documents selected from the FN's document collection will also use the "SCB Doc" notation.)
- ☐ SCB Document Index: Entries are annotated
- ☐ Before saving to CD (or DVD), ensure the following (quality control):
 - No scanned documents are missing or skewed
 - All documents are ***bookmarked (or hyper-linked, to be decided)*** to the correct document / link area with the corresponding label
 - Difficult to read SCB documents are transcribed (FN documents will be caught by ERP.)
 - Transcripts are sub-bookmarked separately (or vice-versa) to the original document
- ☐ Only two folders are located on the CD (or DVD): 1) First Nation Claim and 2) SCB Historical Review
 - The naming conventions of the sub-folders will follow The Specific Claims Policy and Process Guide. (Include SCB or FN in each title.):
 - 1) Claim Document*
 - 2) Historical Report
 - 3) Supporting Documents.

Checklist for Completed SCB Historical Claim Package

*The SCB will not have a Claim Document sub-folder. The First Nation's Band Council Resolution (BCR) and submission letter will be included within the First Nation's sub-folder.

- Claim Document sub-folder naming conventions (The Specific Policy and Process Guide) for documents submitted separately:
 - Allegations
 - Legal arguments
 - Statement of facts
 - Statement of compensation
 - List of authorities
 - Band Council Resolution (BCR)
 - First Nation / Legal Counsel / [...] TARR Centre Letter
- Supporting Documents sub-folder naming conventions (The Specific Policy and Process Guide) to be used:
 - Supporting Documents
 - Supporting Document Index
 - Supporting Appendices
 - Supporting [...] collection

From: Janet Townson
To: Brendan Blom; Bryan Teskey; Catalina LaForce; Marie-Laurence Daigle; Rachel Begg; SCBResearch
Date: Fri, May 30, 2008 10:12 am
Subject: ERP template

Hey Everyone...

I just want to make sure that we're all using the same template for the Early Review Process (ERP) Committee Meetings.

Due to *Justice at Last* and Bill C-30, there are new requirements for claim submissions.

The new template has taken these new requirements into account and incorporated them into one document.

You will also notice that the Tombstone Data Sheet required by the Data Analysis Unit has also been incorporated into the ERP template and no longer needs to be submitted separately.

(This document is also available in CIDM - Research Folder - Templates > English and French)

If you have any questions as to how to complete the document, please don't hesitate to contact your Sr Claims Analyst...

Thank you

CC: John Scime; Linda Rychel

Early Claims Assessment Committee

Date of Meeting:

Analyst Presenting Claim:

Claim Tombstone Information

Name(s) of Claimant(s)	
Title of Claim submission	
Date of Claim Submission	
Registry File Number	
Key allegations in Claim	
Typology	
Treaty area(s) concerned	
Description of Claimed land(s)	
Province/Municipality	
Pre-Confederation? <i>Yes / No</i>	Re-submitted? <i>Yes / No</i>
Under \$3 Million? <i>Yes / No</i>	Over \$150 Million? <i>Yes / No</i>

Claim Format Checklist:

Are the following included in the submission (Yes/No)?

Historical report	
Footnotes in historical report <ul style="list-style-type: none"> If yes, are document numbers referred to? 	
Executive summary	
Annotated document index	
Document collection <ul style="list-style-type: none"> If yes, are documents numbered? 	
Transcripts of documents that are difficult to read	
Annotated map/plan index	
Map/plan collection	

<ul style="list-style-type: none"> If yes, are maps/plans numbered? 	
Index of records researched	
Electronic copy of any portion of Claim <ul style="list-style-type: none"> Specify... 	

Claimant Background:

(Where the Claimant is a recognized First Nation)

List of Claimant leaders or representatives:
Address of main community(ies):
Location and size of any Indian reserves:
Regional and Communications input on any key issues concerning the First Nation:

Claim Context:

First Nation(s) affected by the Claim or involved in the history of the Claim
The First Nation(s) interests and goals regarding the Claim:
Other parties affected or involved in the history of the Claim:
The other parties' interests and goals regarding the Claim:
Other Claims and/or litigation involving the Claimant and other interested parties:
Other INAC, federal or provincial programs that may address aspects of the Claim:

--

Specific Claims Eligibility Checklist:

Must be submitted by a First Nation(s) recognized as a band(s) under the Indian Act. Submissions from individuals or groups that do not constitute recognized First Nations cannot be assessed	Yes / No
The Claimant First Nation(s) bringing the Claim must be the band suffering the alleged grievance, or a group of bands, if all are bringing the same Claim	Yes / No
Is this Claim based on Aboriginal rights or title?	Yes / No
Must be based on events 15 years or older at the date of the Claim submission	Yes / No
The alleged lawful obligation must relate to the federal government and must deal with issues that are still outstanding	Yes / No
Must concern compensable allegations. Claims that require a resolution other than compensation cannot be assessed	Yes / No
Must concern issues that have not previously been compensated by Canada in litigation or by way of agreement	Yes / No

Specific Claims Eligibility Checklist:

<p>Does the First Nation reference either of the following words in their allegations?</p> <ul style="list-style-type: none"> • Treaty • Aboriginal 	<p>Yes / No</p> <p>Yes / No</p>
<p>List verbatim the allegations referencing "Treaty"</p> 	
<p>List verbatim the allegations referencing "Aboriginal"</p> 	

Comité d'évaluation préliminaire des revendications

Date de la rencontre:

Analyste présentant la revendication:

Renseignements de base de la revendication:

Nom(s) du demandeur	
Titre de la revendication présentée	
Date de soumission de la revendication	
Numéro de dossier	
Allégations principales	
Typologie	
Zone(s) de traité concernée(s)	
Description de(s) terre(s) revendiquée(s)	
Province/municipalité	
Pré-Confédération? <i>Oui / Non</i>	Re-soumission? <i>Oui / Non</i>
Moins de 3 millions? <i>Oui / Non</i>	Plus de 150 millions? <i>Oui / Non</i>

Liste de contrôle – Format de la revendication:

Sont inclus dans la présente revendication (Oui/Non)?

Rapport historique	
Notes en bas de page dans le rapport historique <ul style="list-style-type: none"> Si oui, fait-on référence aux numéros de documents? 	
Sommaire exécutif	
Index annoté des documents	
Collection de documents <ul style="list-style-type: none"> Si oui, les documents sont-ils numérotés? 	
Transcription des documents difficiles à lire	
Index annoté des cartes et des plans	

Collection des cartes et des plans	
<ul style="list-style-type: none"> • Si oui, les cartes et plans sont-ils numérotés? 	
Copie électronique de la revendication (entière ou partielle)	
<ul style="list-style-type: none"> • Spécifiez... 	

Renseignements de base sur le demandeur:

(Lorsque le demandeur est une Première nation reconnue)

Liste des chefs et représentants du demandeur:
Adresse ou communauté(s) principale(s):
Emplacement et superficie de la/des réserve(s) indienne(s):
Commentaires de la Région ou des Communications concernant des facteurs clés de la Première nation:

Contexte de la revendication:

Premières nations affectées ou impliquées dans l'histoire de la revendication:
Intérêts et objectifs des Premières nations par rapport à la revendication:
Autres parties affectées ou impliquées dans l'histoire de la revendication:
Intérêts et objectifs des autres parties par rapport à la revendication:
Autres revendications et/ou litiges dans lesquels le demandeur et les parties intéressées sont impliqués:

Autres programmes du MAINC, du gouvernement fédéral ou provincial, qui peuvent être concernés par certains aspects de la revendication:

Liste de contrôle d'éligibilité des revendications particulières:

Doit être déposé par une Première nation reconnue comme bande selon la <i>Loi sur les Indiens</i> . Les revendications déposées par des individus ou des groupes qui ne constituent pas des Premières nations reconnues ne peuvent être acceptées.	<i>Oui / Non</i>
La Première nation demanderesse doit constituer la bande qui subit lesdits préjudices, ou un groupe de bandes, si elles déposent une revendication commune.	<i>Oui / Non</i>
La revendication est-elle fondée sur un titre ou des droits autochtones?	<i>Oui / Non</i>
Doit être fondée sur des événements ayant eu lieu 15 ans ou plus de 15 ans avant la date de dépôt de la revendication.	<i>Oui / Non</i>
Les obligations légales alléguées doivent concerner le gouvernement fédéral et exposer une situation qui persiste toujours.	<i>Oui / Non</i>
Doit porter sur des allégations indemnissables. Les revendications exigeant un traitement autre que compensatoire ne peuvent être prises en compte.	<i>Oui / Non</i>
Doit porter sur des faits qui n'ont pas déjà été l'objet d'indemnisations de la part du Canada, que ce soit dans le cadre d'un litige ou de tout autre accord.	<i>Oui / Non</i>

Liste de contrôle d'éligibilité des revendications particulières:

La Première nation fait-elle référence à l'un des mots suivants dans ses allégations?	<i>Oui / Non</i> <i>Oui / Non</i>
<ul style="list-style-type: none"> • Traité • Autochtone 	
Citez textuellement la liste des allégations faisant référence au mot «Traité»:	

Citez textuellement la liste des allégations faisant référence au mot «Autochtone»:

From: Linda Rychel
To: Becker, Bruce; Franey, Mary; Friedman, Deborah
Date: 18/01/2008 4:35:42 pm
Subject: Fwd: EARLY REVIEW PROCESS (ERP): Revised Checklist, 2008/01/18

FYI.

>>> Janet Townson 01/18/08 10:05 AM >>>
Hey Everyone...

Enclosed is the newly revised ERP checklist. At the request of Linda Rychel, DOJ, under the Tombstone Data the following questions have been added in both the English and French formats:

- 1) Under \$3 Million... Yes / No
- 2) Over \$150 Million... Yes / No

The following Questions have been removed from the Tombstone Data in both the English and French Formats:

- 1) Fast Track... Yes / No
- 2) Joint Research... Yes / No

This checklist now replaces all previous versions. Please distribute this to all employees who prepare this form for the ERP committee.

NOTE: Since Lise is already in receipt of some forms, please send the additional information related to the value of the claims to Lise before the deadline. (An explanation of your answer may also be required, therefore be prepared to provide one to the committee.)

Thank you

Janet Townson
Information Analyst, Data Analysis Unit
Specific Claims Branch
1610 - 10 Wellington
Gatineau, QC
(819) 997-3180

CC: Duval, Manon; Moore, Marcia

Early Claims Assessment Committee

Date of Meeting:

Analyst Presenting Claim:

Claim Tombstone information

Name(s) of Claimant	
Title of Claim submission	
Date of Claim Submission	
Registry File Number	
Key allegations in Claim	
Typology	
Treaty area(s) concerned	
Description of claimed land(s)	
Province/Municipality	
Pre-Confederation... Yes / No	Resubmitted... Yes / No
Under \$3 Million... Yes / No	Over \$150 Million... Yes / No

Claim Format Checklist:

Are the following included in the submission? Yes / No

1. Historical report	Yes / No
2. Footnotes in historical report	Yes / No
<input type="checkbox"/> If yes, are document numbers referred to?	Yes / No
4. Executive summary	Yes / No
5. Annotated document index	Yes / No
6. Document collection	Yes / No
<input type="checkbox"/> If so, are documents numbered?	Yes / No
2. Transcripts of documents that are difficult to read	Yes / No
3. Annotated map/plan index	Yes / No
4. Map/plan collection	Yes / No
5. If so, are maps/plans numbered?	Yes / No
6. Index of records researched	Yes / No

7.	Electronic copy of any portions of claim?	Yes / No
<input type="checkbox"/>	Specify...	

Claimant Background: (where the claimant is a recognized First Nation)

2.	List of claimant leaders or representatives
3.	Address or main community(s)
4.	Location and size of any Indian reserves
5.	Regional and Communications input on any key issues concerning the First Nation

Claim Context:

6.	First Nations affected by the claim or involved in the history of the claim
7.	The First Nation interests and goals regarding the claim)
8.	Other parties affected or involved in the history of the claim
9.	The other parties' interests and goals regarding the claim
10.	Other claims and/or litigation involving the claimant and other interested parties
11.	Other INAC, federal or provincial programs that may address aspects of the claim

Specific Claims Eligibility Checklist:

Must be submitted by a First Nation(s) recognized as a band(s) under the <i>Indian Act</i> . Submissions from individuals or groups that do not constitute recognized First Nations cannot be assessed	Yes / No
The claimant First Nation(s) bringing the claim must be the band suffering the alleged grievance, or a group of bands, if all are bringing the same claim	Yes / No
Is this claim based on Aboriginal rights or title?	Yes / No
Must be based on events 15 years or older at the date of the claim submission	Yes / No
The alleged lawful obligation must relate to the federal government and must deal with issues that are still outstanding	Yes / No
Must concern compensable allegations. Claims that require a resolution other than compensation cannot be assessed	Yes / No
Must concern issues that have not previously been compensated by Canada in litigation or by way of agreement	Yes / No

Constitution Act, Sec. 35 – Related Allegations

Does the First Nation reference either of the following words in their allegations?	Treaty Yes / No Aboriginal Yes / No
List verbatim the allegations referencing – Treaty.	
List verbatim the allegations referencing – Aboriginal	

Comité d'évaluation préliminaire des revendications

Date de la rencontre:

Analyste présentant la revendication:

Fiche signalétique de la revendication

Nom(s) du demandeur	
Titre de la revendication présentée	
Date de soumission de la revendication	
Numéro de dossier	
Allégations principales	
Typologie	
Zone(s) de traité concernée(s)	
Description des terres revendiquées	
Province/Municipalité	
Pré-Confédération... Oui / Non	Présentation subséquente... Oui / Non
Moins de 3 millions \$	Plus de 150 millions \$

Liste de contrôle - Format:

Sont inclus dans la présente revendication? Oui / Non

12. Rapport historique	Oui / Non
13. Notes en bas de page inclus dans le rapport historique	Oui / Non
<input type="checkbox"/> Si oui, fait-on référence aux numéros de documents?	Oui / Non
15. Résumé	Oui / Non
16. Index annoté des documents	Oui / Non
17. Collection de documents	Oui / Non
<input type="checkbox"/> Si oui, les documents sont-ils numérotés?	Oui / Non
2. Transcription des documents difficiles à lire	Oui / Non
3. Index annoté de cartes et plans	Oui / Non
4. Collection de cartes et plans	Oui / Non

5.	Si oui, les cartes et plans sont-ils numérotés?	Oui / Non
6.	Index des fonds consultés	Oui / Non
7.	Copie électronique de la revendication (en entier ou en partie)?	Oui / Non
□	Specifiez...	

Informations de base sur le demandeur: (lorsque le demandeur est une Première nation reconnue)

2.	Liste des chefs et représentants du demandeur
3.	Adresse ou communauté(s) principale
4.	Emplacement et superficie de la/des réserves indiennes
5.	Commentaires sur les facteurs clés concernant la Première nation

Contexte de la revendication:

6.	Premières nations affectées ou impliquées dans l'histoire de la revendication
7.	Intérêts et objectifs des Premières nations par rapport à la revendication
8.	Autres parties affectées ou impliquées dans l'histoire de la revendication
9.	Intérêts et objectifs des autres parties par rapport à la revendication
10.	Autres revendications et/ou litiges dans lesquels le demandeur et les parties intéressées sont impliqués

11. Autres programmes du MAINC, du gouvernement fédéral ou provincial, qui peuvent rencontrer certains aspects de la revendication

Liste de contrôle d'admissibilité des Revendications particulières:

Doit être déposé par une Première nation reconnue comme bande selon la Loi sur les Indiens. Les revendications déposées par des individus ou des groupes qui ne constituent pas des premières nations ne peuvent être acceptées	Oui / Non
La Première nation demanderesse doit constituer la bande qui subit lesdits préjudices, ou un groupe de bandes, si elles déposent une revendication commune	Oui / Non
La revendication est-elle fondée sur un titre ou des droits autochtones?	Oui / Non
Doit être fondée sur des événements ayant eu lieu 15 ans ou plus précédent la date de dépôt de la revendication	Oui / Non
Les obligations légales alléguées doivent porter sur le gouvernement fédéral et doit faire face à une situation qui persiste toujours	Oui / Non
Doit porter sur des allégations indemnissables. Les revendications exigeant une résolution autre qu'une compensation ne peuvent être évaluées	Oui / Non
Doit porter sur des faits qui n'ont pas déjà été l'objet d'indemnisations par le Canada tant à travers des litiges que tout autre type d'accord	Oui / Non

Constitution Act, Sec. 35

Est-ce que la Première Nation réfère à l'un des termes suivants dans ses allégations ?	Traité... Oui / Non Droits ancestraux... Oui / Non
Lister les allégations référées (verbatim) – Traité.	
Lister les allégations référées (verbatim) – Droits ancestraux	

Marcia Moore -

Page 1

s.23

From: Linda Rychel
To: Becker, Bruce; Franey, Mary; Friedman, Deborah
Date: 15/01/2008 11:21:53 am
Subject: [REDACTED]

Hi,



Linda

CC: Duval, Manon; Moore, Marcia

**Pages 473 to / à 503
are withheld pursuant to section
sont retenues en vertu de l'article**

69(1)(a)

**of the Access to Information Act
de la Loi sur l'accès à l'information**